

November 19, 2024

The Honorable Kathy Hochul  
Governor  
NYS State Capitol  
Albany, NY 12224

Re: A.9204 (Paulin)/S.9049 (Scarcella-Spanton)

Dear Governor Hochul,

LeadingAge New York and its over 400 not-for-profit and public long-term care providers – representing all provider types on the long-term care continuum, including home care, hospice, and palliative care – write to you today in support of A.9204 (Paulin)/S.9049 (Scarcella-Spanton). This legislation would amend the Public Health Law to require public notice and opportunity to comment when an application is made under the hospital-home care-physician collaboration program and ensures that any such application also meet applicable Certificate of Need (CON) requirements.

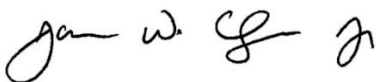
LeadingAge New York supports this legislation's intent to ensure that providers participating in collaboratives under section 2805-X of the Public Health Law are subject to the same requirements and oversight as other providers with the same type of license. This section of law is intended to establish a framework to support voluntary collaborations among physicians, hospitals, and long-term/post-acute care providers, facilitating innovative care models with the goals of improving access to care and patient outcomes. While we support such collaborations, it is crucial that participants in these collaborative care models remain subject to the same licensure regulations that apply to other providers, including character and competence, public need, and financial feasibility.

As currently structured, section 2805-X has been interpreted to enable collaborating providers to bypass CON requirements, which include financial feasibility, character and competence, and public need in the geography to be served. Providers not participating in a 2805-X collaboration, by contrast, must meet these requirements. This bill will maintain a level playing field for providers holding the same type of license and ensure appropriate oversight and public input into new models of care.

Ensuring that all providers, whether part of a collaborative or not, meet the same standards is vital for maintaining the quality and integrity of healthcare services. This legislation promotes fairness and transparency, enabling community members to have a voice in the approval of new healthcare providers and models. It ensures that financial feasibility, character and competence, and public need are consistently evaluated, thus safeguarding the interests of patients and the community.

For these reasons, LeadingAge New York supports A.9204 (Paulin)/S.9049 (Scarcella-Spanton) and urges that it be enacted into law.

Sincerely,



James W. Clyne, Jr.  
President and CEO  
LeadingAge New York

*Inspire Serve Advocate*