

MEMORANDUM

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

AN ACT to 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

LeadingAge New York is a 400-member association of 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 providers. We support 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.

Section 2805-X of the Public Health Law is intended to establish a framework to support voluntary collaborations among physicians, hospitals, and long-term/post-acute care providers. The law's purpose is to facilitate innovative care models with the goals of improving access to care and patient outcomes. LeadingAge New York supports such collaborations. However, participants in collaborative care models must remain subject to the same licensure regulations that apply to other providers, including character and competence, public need, and financial feasibility.

As it is currently structured, section 2805-X has been interpreted to enable collaborating providers to bypass Certificate of Need (CON) requirements, which include financial feasibility, character and competence, and public need in the geography to be served. Providers that are not participating in a 2805-X collaboration, by contrast, must meet these requirements.

This bill will maintain a level playing field for providers that hold the same type of license. It will also ensure an appropriate level of oversight and public input into new models of care and new providers that are authorized to operate in communities.

For these reasons, LeadingAge NY supports A.9204 (Paulin)/S.9049 (Scarcella-Spanton) and urges that it be adopted.

LeadingAge New York represents over 400 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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