

Dear Members:

With the Passover holiday beginning today, Good Friday, Easter and a two-week recess ahead, legislators and the Governor have been meeting around the clock to get a budget completed by this afternoon. There has been some progress made and about half of the budget bills put into print. The Legislature began passing pared-down bills just after midnight this morning. At this point, leaders are punting on major policy issues and including only non-controversial items and items that have a cost or savings to them. At this writing, the Health and Medicaid language bill and the Aid to Localities – or appropriations bills – have just been released this morning and we are continuing to review them. Below is a quick summary of what we know now. We will keep in touch as additional bills come out. The remaining issue appears to be an education policy with no fiscal impact related to regulations for certain non-public schools, that the Senate is insisting on. The latest we have heard from Speaker Heastie is that he "has talked to Cuomo and they've agreed no budget extenders to keep spending authorization in place if budget is not adopted by Saturday deadline. If late, it's on the Senate, he says." At the same time, the Senate Republicans blame the Assembly, saying a pay raise is "their No. 1 issue." Once the budget negotiations completely close, we expect to see a final omnibus budget bill that may include a number of additional issues that may be of interest to members, including some priority issues that are not addressed in the bills we have seen so far.

In the meantime, this is what we know now on our priority issues:

#### **Nursing Homes**

- ***Low Quality Score Penalty:*** language is included to reduce Medicaid reimbursement by two percent for homes with low Nursing Home Quality Initiative scores.
- ***MLTC Carve-Out for Long-Stay Nursing Home Residents:*** Excludes permanently-placed nursing home residents from MLTC after three months of nursing home care.

#### **ACF/AL**

- ***Enriched Housing Subsidy:*** Enriched housing subsidy is removed from the proposed public health pool and level funded at \$380,000
- ***EQUAL Funding:*** Level funded at \$6.5 million
- ***ALP Expansion:*** language is included to expand ALP beds and provide for an expedited review process
- ***AL Alzheimer's Voucher Program:*** language is included to create an assisted living voucher program for people with dementia.

#### **MLTC and LHCSAs**

- ***MLTC Carve-Out for Long-Stay Nursing Home Residents:*** Excludes permanently-placed nursing home residents from MLTC after three months of nursing home care.

- ***Require Minimum UAS Score of 9 and Continuous Need for Community-Based LTC to Qualify for MLTC Enrollment:*** Requires that an MLTC enrollee must need community based care for a continuous 120 days to be eligible for MLTC but does not impose any change in UAS score for MLTC eligibility.
- ***12-Month Lock-In of Plan Enrollment:*** Authorizes DOH to prohibit MLTC members after their initial 90 days of enrollment to transfer from plan to plan more frequently than once a year, unless it is for good cause.
- ***Limit Number of Network LHCSA Providers:*** Requires DOH to establish limits on the number of LHCSAs with which an MLTC plan may contract. Sets these limits to be one LHCSA per 75 members downstate, effective Oct. 2018, and one per 100 members as of Oct. 2019. Upstate limits would be set at one per 45 enrollees as of Oct. 2018 and one per 60 members as of Oct. 2019. Requires plans to provide evidence annually of compliance and provides flexibility to DOH to allow exceptions where needed and to ensure continuity of care. Public Health and Health Planning Council is required to consider public need, financial resources and “other matters deemed pertinent” when considering LHCSA applications. LHCSA will be required to register with DOH by Jan. 2019 based on a process to be developed by the Department or face penalties.
- ***Provider Marketing and Referral Ban:*** Establishes marketing restrictions on CDPAS fiscal intermediaries.
- ***Plan to Plan Transfers:*** Requires MLTC plans that receive members from a other plans due to mergers and acquisitions to submit a report to DOH on continuity of care of members who transferred in.
- ***NHTD/TBI Carve-in to MLTC:*** Delayed until 1/1/22

## **Housing**

- ***Resident Service Assistant:*** The final budget does not include language or funding for a Senior Resident Service Assistant program.
- ***Residential Emergency Home Repairs for the Elderly:*** Establishes the “Residential Emergency Services to Offer Home Repairs to the Elderly Program” to assist senior citizen homeowners with the cost of addressing emergencies and code violations that pose a threat to their health and safety or affect the livability of their home by providing financial assistance for the cost of making repairs that may enable such homeowners to continue to live independently in their own homes.
- ***Miscellaneous:***
  - Extends certain consumer protections for homeowners facing foreclosure to homeowners facing reverse mortgage foreclosure.
  - Eliminates the requirement that recipients of Community Service Block Grant funds secure a 25 percent local match, thereby conforming State Law to Federal statute.

## Adult Day Health Care

- **ADHC Transportation:** We are waiting on the side letter to determine whether ADHC transportation cut was bought back.

## Aging Services Initiatives and Funding

- **Community Services for the Elderly:** The final budget allocates \$28.93 million to the Community Services for the Elderly (CSE) Program for SFY 2018-19, and adds another \$2.25 million in additional funding. It continues the exemption on the county share of the \$3.5 million in additional funding that has been added to CSE over the past several fiscal years. The budget continues to provide \$1.1 million in discrete transportation funding to CSE to provide localities the flexibility to direct resources where they are needed most.
- **Expanded In-home Services for the Elderly Program (EISEP):** EISEP is level-funded at \$50.1 million.
- **Continue Alzheimer's Caregiver Supports:** The final budget continues this program at a two-year \$50 million investment for care and support services for individuals living with Alzheimer's disease and other dementias, and their caregivers.
- **NY Connects:** The final budget provides \$43.7 million to support the sustainability of NY Connects.
- **Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs:** The final budget provides funding for NORCs and NNORCs each at \$2,027,50 and adds another \$2 million for each category. Funding priority is given to the renewal of existing contracts with the State Office for the Aging. No other language is provided clarifying the program after last year's award process.
- **Wellness in Nutrition (WIN) program:** WIN is level-funded in the final budget at \$27.5 million.
- **Congregate Services Initiative:** The final budget provides CSI with level-funding at \$403,000.
- **Livable NY Initiative:** The final budget level-funds this program at \$122,500.
- **Title XX funding:** The final budget maintains the same funding level as last year, \$66 million.
- **Social Adult Day Care:** The final budget continues to level-fund a grant program for social adult day care programs through SOFA at \$1.072 million.

Once the budget is finalized, lawmakers will be back in their districts for recess until Fri., April 13<sup>th</sup>. This is a valuable opportunity to thank them for their advocacy during the budget process and educate them on our [other priority issues](#) for the remainder of session. Please [reach out to your legislators](#) and schedule a time to meet in their district office or on your campus! More information about our spring advocacy efforts will be included in our next Legislative Bulletin, coming Monday.