



Dear Members:

The 2019 Legislative Session ended early this morning after lawmakers worked through the night, passing a host of bills and confirming various nominees to state authorities, boards, and commissions. Thanks to your advocacy, LeadingAge New York is pleased to report the following end-of-session accomplishments and updates:

CCRC Revitalization Bill: [A.8193 \(Schimminger\)/S.1803-A \(Rivera\)](#) aims to consolidate authority for establishment and operational oversight of CCRCs into the Department of Health and eliminate barriers to the development, expansion, and efficient operation of CCRCs in New York. ***This LeadingAge NY priority legislation passed unanimously in the Senate and Assembly.*** It will now move to the Governor's desk to be signed into law. [Click here](#) to send a message to Governor Cuomo, urging him to approve the bill.

In-Service Registry: [A.7854 \(Gottfried\)/S.5605 \(Rivera\)](#) adds the record of each home care worker's required annual in-service training to the Home Care Worker Registry, helping to expedite the hiring process of new home care workers. ***The bill passed both houses and has moved to the Governor's desk.*** [Click here](#) for LeadingAge New York's memo of Support.

HIPPA Security Breach: [A.5635-B \(DenDekker\)/S.5575-B \(Thomas\)](#) broadens the scope of information covered under the notification law, updates the notification requirements when there has been a breach of data and broadens the definition of a data breach to include an unauthorized person gaining access to information. This bill initially may have had negative consequences for LTPAC providers. ***Fortunately, LeadingAge NY submitted amendments that were adopted to the B-version of the bill. The bill was then passed in both the Assembly and the Senate.***

Prevailing Wage: [A.1261 \(Bronson\)/S.1947 \(Ramos\)](#) would impose public works "prevailing wage" requirements on most types of private sector projects receiving any level of financial support from state or local entities. The bill has been a hot topic in Albany for most of session with several amendments and versions suggested. LeadingAge New York's amendments were well received and included in Assembly versions of the bill. ***Ultimately, there was no three-way agreement on the legislation and it did not pass in the Assembly or the Senate. We expect that the Legislature and Governor will continue to work on this issue, and will likely resurface at a Special Legislative Session or in the Governor's 2020-21 Executive Budget Proposal. In this regard, it is important that you keep the pressure on your Legislative Representatives about how prevailing wage would impact your organization.***

Rent Reform Package: [A.8281 \(Heastie\)/S.6458 \(Stewart-Cousins\)](#) The "Housing Stability and Tenant Protection act of 2019" extends and makes certain provisions of law permanent relating to rent control and rent stabilization. As was anticipated, the package of bills includes a provision on security deposits. Fortunately, thanks to your continued advocacy, the final provision included our proposed language exempting certain housing and services providers from increased security deposit regulations. Specifically, it exempts Continuing Care Retirement Communities, Assisted Living Providers, Adult Care Facilities, Senior Residential Communities, and Not-for-Profit Independent Retirement Communities. ***The bill passed both houses and has been signed by the Governor.***

ACF Penalties: [A.4416 \(Gottfried\)/S.3460 \(Rivera\)](#) would increase ACF penalties and place further restrictions on how a facility might apply for a reduction in fines. This bill saw movement this year and made it onto the Senate floor calendar in mid-May. ***Fortunately, thanks to your advocacy, the bill did not make it out of the Assembly Health Committee and was not passed in either house.***

Psychotropic Medications in SNF & ACF: [A.1033 \(Gottfried\)/S.5441 \(Sepulveda\)](#) would require an enhanced level of informed consent before psychotropic medications can be prescribed for residents of nursing

facilities or adult care facilities. ***The bill passed the Assembly in early May but remained in the Senate Health Committee.***

Nurse Staffing Ratios: [A.2954 \(Gunther\)/S.1032 \(Rivera\)](#) would enact the "safe staffing for quality care act" mandating nurse staffing ratios. As in year's past, LeadingAge NY strongly opposed the bill and encouraged the Legislature to allow the DOH staffing study that was included in the budget to proceed. Fortunately, ***our strong advocacy led to the bill remaining in Assembly Codes and Senate Health Committees.***

As is usually the case, the last few days of session meant new life and fast action for bills that were thought to be dead, such as:

Nursing Home Oversight: [A.4757-A \(Gottfried\)/S.5908 \(Rivera\)](#) strengthens obligations to report abuse of nursing home residents, establishes independent quality monitoring of written corrective action plans, requires disclosure of any co-owners or contractors with familial ties to the operator and limits debt obligations. LeadingAge New York became aware of the bill's movement on Tuesday when it was unexpectedly put on the Senate Rules Agenda and ordered direct to third reading. ***Despite a strong advocacy response by LeadingAge NY and the circulation of our [memo of opposition](#), the bill passed the Senate late Tuesday Night.*** With the new momentum and support from 1199, the bill made its way through Assembly Health and Rules Committees and was ***ultimately passed in the Assembly early Friday morning.*** ***The bill will now move to the Governor's desk.***

Medical Mal-Practice Legislation

Two medical mal-practice bills were advanced in the eleventh-hour of session. Although neither will significantly impact our membership, we'd like you to be aware of the following two pieces of legislation:

Pre-Trial Liability Determination: [A.2372 \(Dinowitz\)/S.6081 \(Hoylman\)](#) applies to cases in which there are multiple co-defendants and one settles. It requires that the remaining defendants must elect, prior to trial, whether to reduce liability by the amount of the settlement or by the amount of the equitable share of damages delegated to the settler in the verdict. Because the non-settlor would have to make the choice before the verdict was rendered, there would be an added incentive to a defendant to settle, rather than to sit back and choose the "best of both worlds." ***The bill passed both houses and has moved to the Governor's desk.***

Third-Party Defendant Recovery: [A.2373 \(Dinowitz\)/S.6552 \(Skoufis\)](#) adds a new Section 1405 to the Civil Practice Law and Rules (CPLR) to expressly permit a plaintiff, as judgment creditor against a defendant, to recover and collect an unsatisfied judgment directly from a third-party defendant found liable for contribution or indemnification. Thus, in the case where a defendant/third party plaintiff is insolvent and is unable to pay the judgment to the plaintiff, the plaintiff could still seek to recover directly that portion of the judgment, owed by the third party defendant to the defendant/third party plaintiff. ***The bill passed both houses and has moved to the Governor's desk.***

Recreational Marijuana

There was a significant push to legalize recreational marijuana at the end of session, however, with the many variables involved in legalization, the bill ultimately never came together. Instead there was [an agreement](#) to further decriminalize and expunge past possession convictions. ***We expect that the***

Legislature and Governor will continue to work on this issue, and will likely resurface at a Special Legislative Session or in the Governor's 2020-21 Executive Budget Proposal.

Looking Ahead

This was a particularly challenging year since there were so many new legislators that know very little about the long-term care sector. Much of our work included educating legislators about long term care generally and the providers we represent. As such, the bulk of our advocacy work centered on stopping or seeking amendments to bad bills, rather than being able to pursue our legislative initiatives such as Role of the Nurse, Med Techs and Housing with Services.

As lawmakers return to their districts for the remainder of the year, LeadingAge New York challenges you to set a ***Summer Grassroots Advocacy Goal!*** The importance of legislators knowing who you are and the role your organization plays in the community at large cannot be overstated. The more relaxed summer months provide the perfect opportunity to re-connect with your elected officials and thank them for their hard work in helping us advance our priorities!

Whether it be setting up a site visit with legislators, attending town halls or getting residents and board members involved with grassroots advocacy efforts, your summer advocacy goal is yours to set. The groundwork for the 2020 legislative session starts now! Your efforts to connect with and educate the many new legislators will allow us to move our legislative priorities next year.

LeadingAge New York staff is committed to assisting you in setting and accomplishing your goals. Contact Sarah Daly at Sdaly@leadingageny.org if you would like help setting up a site visit with your legislator this summer.

Thank you once again for your continued advocacy. It makes all the difference. As always, please feel free to contact the Advocacy and Public Policy team at 518-867-8383 with any questions or comments.

All the best,

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