

June 16, 2023

Dear Members:

The New York State Legislature completed much of its work on Saturday, June 10, 2023. The last day of the 2023 New York State Legislative Session had been scheduled for June 8th; however, work continued into the weekend, as there were several issues the Legislature had intended to complete before the conclusion of their work. *While the Senate has completed all 2023 legislative work, it has been reported that the Assembly will return to Albany on June 20th to complete work on a few high-priority bills related to criminal justice reform and other issues. LeadingAge New York will re-issue an updated version of this document following any additional action if members are impacted.*

Member engagement in LeadingAge New York's collective budget and legislative advocacy this year has been among the most impressive we have ever seen. Since January 1, 2023, LeadingAge New York members and our network of advocates have sent **16,384 emails** to the Governor and state legislators. During the first four weeks of State Budget work alone, LeadingAge New York membership and staff participated in over 100 meetings with legislators. While much of this advocacy was focused on State Budget efforts, the work that was done to educate lawmakers about the issues facing long-term care providers proved to be fruitful in the non-budgetary actions taken by the Legislature. Several bills that LeadingAge New York has long opposed (such as proposed increases in penalties on adult care facilities and further restrictions on the use of psychotropic medications) never moved out of the Senate or Assembly Health Committees. Other bills of opposition that did advance to the floor were laid aside and never taken up for a vote thanks to your efforts to educate lawmakers. In addition, several bills we strongly support were successfully introduced.

During this legislative session, LeadingAge New York tracked over 900 bills and deemed over 120 of those to be a "priority" based on their movement and potential impact or relevance to our membership. Ultimately, of the 38 priority bills that were passed by both houses this year, LeadingAge New York supported 11 and opposed 2 – representing significant successes. ***Thank you for your dedicated advocacy throughout this year's legislative and budgetary cycle! Your time and energy are so appreciated, and it has had an impact!***

As we reflect on another legislative session come and gone, it is important that we take a moment to acknowledge our accomplishments, as well as our opportunities for proactive advocacy and legislative work down the line. While we celebrate our successes in preventing certain pieces of legislation from being passed this year, it is important to note that those same concerning proposals are sure to come back around in 2024. Additionally, over the summer and fall, we have the opportunity to build upon the strong advocacy foundation we laid during this year's advocacy work. We can do this by continuing to ask legislators to co-sponsor bills that we support, and by asking them to work with us on alternative ideas for solutions, and otherwise educating them on our challenges.

It is important to remember that advocacy is a year-round endeavor. Members are strongly encouraged to use the summer and fall to establish and build upon relationships with your lawmakers. If you are unsure of where to begin in building stronger relationships with legislators, inviting them to an event or tour of your organization is an excellent start. And, of course, LeadingAge New York is readily available as a resource, organizer, and supporter of all local advocacy activities.

Below is a comprehensive list of bills passed by the Legislature in 2023 and bills that failed to advance. As you review this document, members are encouraged to consider how you can use this information to inform your local advocacy over the coming months. If you have any questions or concerns about the bills mentioned in this document or would like to discuss advocacy initiatives, please feel free to contact Sarah Daly at sdaly@leadingageny.org.

Finally, thank you again for your advocacy efforts and all you do for the individuals in your care. You inspire us with your work, and we hope your summer is restful and revitalizing.

- Diane Darbyshire, Vice President of Advocacy and Public Policy, LeadingAge New York
- Sarah Daly, Senior Government Relations Analyst, LeadingAge New York

**LeadingAge New York
Legislative Bill Summary
June 2023**

LeadingAge New York Top Priority Bills

Below is a list of 26 top priority bills and where they landed at the close of the 2023 Legislative Session.

In total, LeadingAge New York issued position memos on 47 bills and established a position on 55.

Members will find additional lists of bills that passed both houses and bills that failed to advance below (pg. 7).

Nursing Home Rebasing

[A.5905-A \(Woerner\)/S.6914 \(Rivera\)](#)

Summary: Requires the Department of Health (DOH) to update nursing home Medicaid rates at least every five years, in consultation with a workgroup that includes technical experts in nursing home rate setting.

Position: [Support](#)

Outcome: *Advanced and Remained in Assembly Ways and Means and Senate Finance Committees.*

Assisted Living Program Rebasing

[A.7553 \(Paulin\)/S.7248 \(Cooney\)](#)

Summary: Ensures that the Assisted Living Program (ALP) Medicaid rates reflect present-day costs, and provides a mechanism to periodically update rates.

Position: [Support](#)

Outcome: *Remained in Assembly and Senate Health Committees.*

Increase in Provider Penalties

[A.5372 \(Paulin\)/S.6071 \(Cleare\)](#)

Summary: Raises the maximum penalties for violations of the Public Health Law. Authorizes amounts collected from nursing homes in excess of \$10,000 per violation.

Position: [Oppose](#)

Outcome: *Advanced and Laid Aside on Assembly Floor Calendar. Remained in Senate Health Committee.*

Safety Violations in ACFs

[A.5485 \(Paulin\)/S.5472 \(Rivera\)](#)

Summary: Requires an annual audit of facilities that receive funds under the Enhancing the Quality of Adult Living (EQUAL) program, increases maximum civil penalties for adult care facility (ACF) violations from \$1,000 per day to \$5,000 per violation per day, and authorizes a pre-hearing suspension or limitation of an ACF's operating certificate in cases of imminent danger to residents.

Position: [Oppose](#)

Outcome: *Remained in Assembly and Senate Health Committees.*

Nursing Home Closures

[A.3703 \(Epstein\)/S.2984 \(Kavanagh\)](#)

Summary: Requires nursing home operators to notify DOH 90 days ahead of an anticipated closure. This notification would include a proposed plan for closure and would also be delivered to local government officials.

Position: [Oppose](#)

Outcome: *Advanced to Assembly Floor Calendar and Senate Finance Committee.*

Good Cause Eviction

[A.4454 \(Hunter\) / S.305 \(Salazar\)](#)

Summary: Prohibits termination of a tenancy by eviction or non-renewal of a lease agreement without first showing "good cause" to the court.

Position: [Oppose](#)

Outcome: *Remained in Assembly Housing and Senate Judiciary Committees.*

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New York Home Care First Act

[A.4583 \(Paulin\)/S.2931 \(Rivera\)](#)

Summary: Provides in statute a proactive policy, reimbursement, and operational approach to support the availability and utilization of home care services in the state. Ensures that Medicaid rate adjustments account for the recent minimum wage increase for home care aides, workforce payments for home care nurses and therapists, and employee supports for aides to ensure solid recruitment and retention of workers. Ensures that home care providers can continue to engage in telehealth activities to augment and support the delivery of home care.

Position: [Support](#)

Outcome: *Advanced and remained in Assembly Ways and Means and Senate Finance Committees.*

Resident Electronic Monitoring Devices

[A.4616 \(Gunther\)](#)

Summary: Allows a nursing home patient or their representative to install, operate, and maintain, at their own expense, an electronic monitoring device in their room.

Position: [Oppose](#)

Outcome: *Advanced and Remained in Assembly Rules.*

Affordable Independent Senior Housing Assistance Program

[A.4716 \(Rosenthal\)/S.2080 \(Kavanagh\)](#)

Summary: Establishes an Affordable Independent Senior Housing Assistance Program to complement the state's historic commitment of \$125 million for senior housing capital and create a cost-effective model for seniors to age in place.

Position: [Support](#)

Outcome: *Remained in Assembly Housing Committee. Advanced and Remained in Senate Finance Committee.*

Publication of HERDS Data

[A.5370 \(Paulin\)/S.5732 \(Skoufis\)](#)

Summary: Creates the Health Emergency Response Data System (HERDS) and requires DOH to disclose, within seven days of its receipt, the aggregate data from HERDS reports submitted during public health emergencies (PHEs) to the entities reporting, government entities, and the public.

Position: [Concerns](#)

Outcome: *Passed Assembly. Advanced and Remained in Senate Finance Committee.*

Office of Hospice and Palliative Care Access and Quality

[A.5587 \(Wallace\)/S.4858 \(Hinchey\)](#)

Summary: Establishes an Office of Hospice and Palliative Care Access and Quality within DOH to improve coordination and utilization of Hospice in New York State.

Position: [Support](#)

Outcome: *Passed Assembly. Passed Senate.*

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Role of the Nurse in ACFs

[A.5670 \(Solages\)/S.5471 \(Rivera\)](#)

Summary: Allows ACF and assisted living settings to directly employ licensed practical nurses (LPNs) or registered nurses (RNs) in order to provide nursing services.

Position: [Support](#)

Outcome: *Advanced and Remained in Assembly Ways and Means Committee and Senate Floor Calendar.*

ALR Quality Reporting

[A.5790 \(Paulin\)](#)

Summary: Requires reporting and posting by assisted living residences (ALRs) relating to quality measures and information concerning rates, rent, and service fees, and requires DOH to develop a scoring system for the ALR quality reporting.

Position: Concerns

Outcome: *Remained in Assembly Health Committee.*

Training of Patient Transporters

[A.5848-B \(Paulin\)/S.3344-B \(Skoufis\)](#)

Summary: Requires hospitals and nursing homes to provide Basic Life Support (BLS) training to “patient transporters” that are responsible for moving patients or residents to and from testing areas, treatment areas, or general movement throughout the facility.

Position: [Oppose](#)

Outcome: *Advanced and Laid Aside on Assembly Floor Calendar. Remained in Senate Health Committee.*

Quality Incentive for Managed Care Providers

[A.6021-A \(Paulin\)/S.3146-A \(Mannion\)](#)

Summary: Establishes a quality incentive program funded at 1 percent of total annual premiums or \$300 million, whichever is greater. Directs the Commissioner of Health to consult with managed care plans and other relevant stakeholders in establishing the criteria for distribution of funds under the program.

Position: [Support](#)

Outcome: *Passed Assembly. Passed Senate.*

High-Rise Emergency Evacuation Plans

[A.6291-A \(Burdick\)/S.264-A \(Stewart-Cousins\)](#)

Summary: Requires high-rise property owners to develop an emergency evacuation plan for residents with disabilities, and for the plan to include not only procedures for evacuating individuals with disabilities, but also a list of those individuals, including the floor and room number of their unit, as well as the creation of accessible and clearly identifiable “areas of rescue” throughout the building.

Position: [Oppose](#)

Outcome: *Passed Assembly. Passed Senate.*

Extension of Nurse Licensure Flexibilities

[A.6697-B \(Fahy\)/S.7492-B \(Stavisky\)](#)

Summary: Allows certain applicants for licensure as a nurse or physician who are currently licensed and in good standing in another state or territory to be granted authorization to practice in this state for a limited period of time pending a determination on their licensure in New York State.

Position: [Support](#)

Outcome: *Passed Assembly. Passed Senate.*

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Wrongful Death

[A.6698 \(Weinstein\)/S.6636 \(Hoylman\)](#)

Summary: Permits the families of wrongful death victims to recover compensation for their emotional anguish. Provides that damages for wrongful death will be exclusively for the benefit of the decedent's surviving spouse, partner, and/or close family members. Allows the judge or jury to determine which persons qualify as close family members. Extends the statute of limitations to file a wrongful death action after the death of the decedent to three and a half years from two years.

Position: [Oppose](#)

Outcome: **Passed Assembly. Passed Senate.**

OMIG Audit and Review

[A.6813 \(Paulin\)/S.5329 \(Harckham\)](#)

Summary: Provides due process protections to health care providers and recipients in the Medicaid program when audited or reviewed by the Office of the Medicaid Inspector General (OMIG). Codifies into law procedures, practices, and standards to improve the fairness of OMIG audits and recoveries. Among other measures, requires technical defects or other minor errors to be corrected prior to any recovery being made by the inspector, and requires any sampling method to be statistically valid.

Position: [Support](#)

Outcome: **Passed Senate. Advanced and Remained in Assembly Ways and Means Committee.**

Nursing Home Decedents Designated Space

[A.7085 \(Paulin\)/S.3572 \(Skoufis\)](#)

Summary: Requires nursing homes to develop and submit to DOH a designated location for the storage of bodies of deceased persons who pass while living in a nursing home. The designated location would be used until the deceased can be safely transferred to appropriate locations for autopsy or disposition.

Position: [Oppose](#)

Outcome: **Passed Assembly. Remained in Senate Health Committee.**

Changes to Nursing Home Direct Care Spending Requirements

[A.7328 \(Paulin\)/S.6897 \(Rivera\)](#)

Summary: Makes changes to nursing home minimum spending requirements by excluding capital reimbursement from revenue. Establishes a four-year demonstration project that would reduce recoveries from non-compliant providers if they reduce contract staff utilization. During the demonstration, only Medicaid revenue would be considered when compliance with 70/40 spending requirements is calculated for homes whose contract staff use is below specified thresholds.

Position: No Position

Outcome: **Passed Assembly. Passed Senate.**

Home Care Regional Minimum Wage

[A.7335 \(Paulin\)/S.6963 \(Rivera\)](#)

Summary: Requires the Commissioner of Health to establish regional minimum hourly base reimbursement rates for home care aides.

Position: No Position

Outcome: **Remained in Assembly Ways and Means and Senate Health Committee.**

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Antipsychotic Use in Nursing Homes and ACFs

[A.7467 \(Paulin\)/S.466 \(Sepulveda\)](#)

Summary: Requires an enhanced level of informed consent before psychotropic medications can be prescribed for patients residing in nursing homes or ACFs.

Position: [Oppose](#)

Outcome: *Remained in Assembly Health and Senate Aging Committees.*

CCRC Revitalization

[A.7742 \(Paulin\)/S.7483 \(Cleare\)](#)

Summary: Consolidates authority for the approval and operation of continuing care retirement communities (CCRCs) into DOH. Eliminates various barriers to the development, expansion, and efficient operation of CCRCs in New York State.

Position: [Support](#)

Outcome: *Remained in Assembly and Senate Health Committees.*

Payments to HCBS

[A.7473 \(Paulin\)/S.5473 \(Rivera\)](#)

Summary: Amends the Public Health Law to ensure that Medicaid managed care plans pass through in whole the money provided by the state to finance the incremental advancements in minimum wage.

Position: No Position

Outcome: *Remained in Assembly and Senate Health Committees.*

MLTC Performance Standards

[A.7554 \(Paulin\)/S.7293 \(Ryan\)](#)

Summary: Enables managed long term care (MLTC) plans that also operate a Medicare Advantage Institutional Special Needs Plan (ISNP) or a Program of All-Inclusive Care for the Elderly (PACE program), but not a Medicare Advantage Dual Eligible Special Needs Plan (DSNP), to continue to meet MLTC performance standards.

Position: [Support](#)

Outcome: *Remained in Assembly and Senate Health Committees.*

**LeadingAge New York
Legislative Bill Summary
June 2023**

Passed Both Houses

These bills passed both the Assembly and Senate and will be delivered to the Governor for action.

Transparency of Long-Term Care Insurance Policy Changes

[A.345-C/S.2330-B \(Mayer\)](#)

Summary: Requires long-term care insurance providers to issue written notices, information, and policy provisions to prospective clients. Requires the Department of Financial Services (DFS) to publicly post any application for insurance premium rate increases.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

LGBTQ Long-Term Care Resident Bill of Rights

[A.372-A \(Bronson\)/S.1783-A \(Hoylman-Sigal\)](#)

Summary: Establishes the lesbian, gay, bisexual, and transgender long-term care facility residents' bill of rights.

Position: Concerns

Outcome: Passed Assembly. Passed Senate.

Delivery of Medical Supplies During State of Emergency – 2022 Chapter Amendment

[A.609 \(Dinowitz\)/S.2223 \(Scarcella-Spanton\)](#)

Summary: Amends Chapter 726 of the Laws of 2022, clarifying requirements for a state preparedness plan to consider how medication and supplies can be efficiently delivered to hospitals and pharmacies during a declared state of emergency.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

LGBTQ Training – 2022 Chapter Amendment

[A.612 \(Dinowitz\)/S.831 \(Rivera\)](#)

Summary: Amends Chapter 737 of the Laws of 2022, mandating DOH to require LGBTQ training as part of the state-approved education or training programs, and clarifies the titles which must complete the training.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

Family Notification & Cohorting Requirements – 2022 Chapter Amendment

[A.627 \(Lunsford\)/S.845 \(Skoufis\)](#)

Summary: Amends Chapter 662 of the Laws of 2022 by more closely aligning state nursing home family notification and cohorting requirements with the requirements and timelines established by the Centers for Medicare and Medicaid Services (CMS) and the Centers for Disease Control and Prevention (CDC).

Position: Support

Outcome: Signed by Governor 3/3/2023.

"Greatest Social Need" Definition in Older Americans Act – 2022 Chapter Amendment

[A.629 \(Bronson\)/S.817 \(Hoylman\)](#)

Summary: Amends Chapter 573 of the Laws of 2022, clarifying the meaning of the phrase "greatest social need" for purposes of the administration of programs under the federal Older Americans Act (OAA) of 1965.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

**LeadingAge New York
Legislative Bill Summary
June 2023**

Passed Both Houses

These bills passed both the Assembly and Senate and will be delivered to the Governor for action.

Mandatory Nurse Overtime – 2022 Chapter Amendment

[A.970 \(Gunther\)/S.850 \(Jackson\)](#)

Summary: Amends Chapter 815 of the Laws of 2022, clarifying the “good faith efforts” that health care employers must make to meet staffing needs before using mandatory overtime. Requires providers to report their usage of mandatory overtime to DOH, and establishes penalties for failure to do so. Directs DOH to establish an enforcement officer to oversee investigation into complaints of mandatory overtime violations.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

Workplace Safety Committees – 2022 Chapter Amendment

[A.1284 \(Reyes\)/S.848 \(Gianaris\)](#)

Summary: Amends Chapter 808 of the Laws of 2022, extending the timeframe in which an employer is required to recognize the establishment of a workplace safety committee from five to 15 business days.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

ACF/ALR Closure Plans – 2022 Chapter Amendment

[A.1706 \(Simon\)/S.2230 \(Cleare\)](#)

Summary: Amends Chapter 625 of the Laws of 2022, providing technical changes and clarifying that an operator may amend a residency agreement to account for changes in Supplemental Security Income (SSI) if they provide each resident written notice of any increase 45 days prior to the increase.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

Home Care Data Transparency

[A.1926-A \(Gonzalez-Rojas\)/S.1683-A \(Hinchey\)](#)

Summary: Requires the Commissioner of Health to publish certain information relating to home care services usage on the Department’s website on an annual basis, including the number of individuals receiving care, those who have had permanent transfers, and aggregated service usage.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Remote Conduct of Witnessing Health Care Proxy

[A.2190 \(Dinowitz\)/S.5100 \(Cleare\)](#)

Summary: Provides for the remote witnessing of health care proxies utilizing audio-video technology or telephone.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Prescription Pricing Transparency – 2022 Chapter Amendment

[A.2200 \(McDonald\)/S.836 \(Breslin\)](#)

Summary: Amends Chapter 826 of the Laws of 2022, which established the Patient Rx Information and Choice Expansion Act (PRICE Act) requiring all health plans, upon request of their insured or enrollee, provider, or a third-party, to furnish cost, benefit, and coverage data of prescription drugs. This chapter amendment exempts Medicaid from the PRICE Act and provides technical amendments.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

**LeadingAge New York
Legislative Bill Summary
June 2023**

Passed Both Houses

These bills passed both the Assembly and Senate and will be delivered to the Governor for action.

Medicaid Reimbursement for Violence Prevention Programs

[A.2893-A \(Gonzalez-Rojas\)/S.580-A \(Hoylman-Sigal\)](#)

Summary: Makes community violence prevention services available to any Medicaid beneficiary who has received medical treatment for an injury sustained as a result of an act of community violence and has been referred by a certified or licensed health care provider or social services provider to receive community violence prevention services from a qualified violence prevention professional.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Clinical Training Via Simulation

[A.3076-A \(Lupardo\)/S.447-C \(Stavisky\)](#)

Summary: Allows for at least one-third of required clinical training and competency for licensing as a registered professional nurse, LPN, or nurse practitioner to be completed through simulation experience.

Position: Support

Outcome: Signed by Governor 5/15/2023.

Model Contract MLTC – 2022 Chapter Amendment

[A.3770 \(Shrestha\)/S.1348 Rivera\)](#)

Summary: Amends Chapter 822 of the Laws of 2022 by requiring DOH to post any changes to the managed care model contract which must be submitted to CMS prior to submission. This bill clarifies that information *will not* be required to be provided through publication as a “public notice” in the State Register; however, a summary of any changes shall be published in the State Register.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

Hospice in ALP – 2022 Chapter Amendment

[A.4016 \(Raga\)/S.1349 \(Rivera\)](#)

Summary: Amends Chapter 667 of the Laws of 2022, clarifying federal financial participation for eligible individuals who receive hospice services while continuing to reside in an ACF and enrolled in the ALP.

Position: No Position

Outcome: Signed by Governor 3/24/2023.

Vaccine Information Confidentiality – 2022 Chapter Amendment

[A.4132 \(Paulin\)/S.837 \(Rivera\)](#)

Summary: Amends Chapter 829 of the Laws of 2022, ensuring that the New York State Immunization Information System (NYSIIS) and Citywide Immunization Registry (CIR) can be utilized by the state for public health purposes while maintaining protections related to personally identifiable information.

Position: No Position

Outcome: Signed by Governor 3/24/2023.

UR for Medically Fragile Children – 2022 Chapter Amendment

[A.4135 \(Weprin\)/S.1319 \(Rivera\)](#)

Summary: Amends Chapter 816 of the Laws of 2022 by removing the requirement that utilization review (UR) agents conducting a medical necessity determination for a medically fragile child be board-certified or eligible physician with expertise in certain pediatric specialties relevant to the medically fragile child's condition. Provides for other technical amendments.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

**LeadingAge New York
Legislative Bill Summary
June 2023**

Passed Both Houses

These bills passed both the Assembly and Senate and will be delivered to the Governor for action.

PACE Expansion – 2022 Chapter Amendment

[A.4137 \(Ardila\)/S.855 \(May\)](#)

Summary: Amends Chapter 812 of the Laws of 2022 by ensuring that applicants demonstrate that they will comply with applicable provisions of Articles 28, 36, and 44 prior to obtaining a license by the Commissioner of Health. Enables the Commissioner to make rules and processes appropriate for the safe and orderly administration of the PACE program, and ensures that the licenses issued entitle the PACE organization to perform the activities of a diagnostic and treatment center, home care services agency, health maintenance organization, and MLTC plan. These amendments also establish that PACE organizations may act as Fiscal Intermediaries (FIs) if approved through a procurement process.

Position: No Position

Outcome: Signed by Governor 3/3/2023.

DNR Orders in Mental Hygiene Facilities

[A.4332 \(Gunther\)/S.2930 \(Rivera\)](#)

Summary: Repeals Public Health Law Article 29-B - Orders Not To Resuscitate (DNR) For Residents Of Mental Hygiene Facilities. Provides that DNR decisions for patients in psychiatric hospitals and units are governed by the Family Health Care Decisions Act (FHCDA), as they are for hospitals and nursing homes.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Aging in Place Task Force

[A.5119 \(Gunther\)/S.5178 \(Brouk\)](#)

Summary: Establishes a temporary task force with the Office of Mental Health (OMH) to study aging in place in mental health housing.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Reimbursement Rates for MLTC

[A.5381 \(Paulin\)/S.6075 \(Skoufis\)](#)

Summary: Requires notice and additional review of the methodologies, fee schedules, and other materials used for determining reimbursement rates for Medicaid managed care providers.

Position: Support

Outcome: Passed Assembly. Passed Senate.

Study of Social Isolation in NORCs

[A.5520 \(Kim\)/S.5907 \(Cleare\)](#)

Summary: Authorizes and directs the State Office for the Aging (SOFA) to conduct a study on the number of older adults residing in Naturally Occurring Retirement Communities (NORCs) or Neighborhood NORCs who are suffering from social isolation and loneliness. Requires the Director of SOFA to submit the study findings to the Governor and Legislature.

Position: Support

Outcome: Passed Assembly. Passed Senate.

Duty to Report Incidents

[A.5697 \(Barrett\)/S.4521 \(Brouk\)](#)

Summary: Requires every mandated reporter to make a report to the register unless the register has knowledge of the incident.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Expansion of NORC Supportive Service Program

[A.5915\(Kim\)/S.3392 \(May\)](#)

Summary: Allows for buildings taller than six stories to be included in Neighborhood NORCs, and instructs the director to provide information to residents of NORCs that are no longer funded.

Position: Support

Outcome: Passed Assembly. Passed Senate.

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Legislative Bill Summary
June 2023**

Passed Both Houses

These bills passed both the Assembly and Senate and will be delivered to the Governor for action.

**SOFA Office of Older Adult Workforce
Development**

[A.6324 \(Stirpe\)/S.3004 \(Cleare\)](#)

Summary: Requires the creation of an office to address the needs of older adult workers, including the creation of a centralized website with resources for older adults on job placement, career building, and job support.

Position: Support

Outcome: Passed Assembly. Passed Senate.

ALR for People with Neurodegenerative Disease

[A.7035-A \(Fahy\)/S.2161-A \(Rivera\)](#)

Summary: Establishes an enhanced special needs ALR program to serve persons with neurodegenerative diseases.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Ombudsman Program in Assisted Living

[A.7199 \(Wallace\)/S.6907 \(Cleare\)](#)

Summary: Extends, for an additional two years, provisions of law relating to long-term care ombudsman access to assisted living facilities.

Position: Support

Outcome: Passed Assembly. Passed Senate.

Resolution of Ombudsmen Complaints

[A.7218 \(Kim\)/S.7211 \(Cleare\)](#)

Summary: Requires DOH to report back to ombudsmen regarding the resolution and status of issues reported at nursing homes. Requires long-term care ombudsmen to receive training in cultural competency and diversity.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Reimbursement for Home Health Services

[A.7365 \(Paulin\)/S.6641-A \(Rivera\)](#)

Summary: Allows a nurse to visit the home and provide a core public health service, without being subject to licensure, so long as it follows statutory requirements and is not intended to serve as nursing services. DOH may determine if the services exceed the limits of the scope of public health services, as well as establish the requirements for reimbursement.

Position: No Position

Outcome: Passed Assembly. Passed Senate.

Reimbursement for Limited LHCSAs

[A.7373 \(Reyes\)/S.7479 \(Rivera\)](#)

Summary: Amends the Public Health Law to ensure the continuation of specific laws relating to limited licensed home care services agencies (LHCSAs).

Position: No Position

Outcome: Passed Assembly. Passed Senate.

**Residential Health Care for Medically Fragile
Young Adults**

[A.7511 \(Burdick\)/S.7038 \(Harckham\)](#)

Summary: Expands the residential health care for children with medical fragility in transition to young adults and young adults with medical fragility demonstration program from two facilities to four.

Position: Support

Outcome: Passed Assembly. Passed Senate.

**LeadingAge New York
Legislative Bill Summary
June 2023**

Legislation Failing to Advance to the Governor

The following bills were priority tracked by LeadingAge New York and failed to pass both houses of the Legislature during the 2023 session.

Reporting of Unmet Need for Aging Services

[A.241-A \(Eichenstein\)](#)

Summary: Requires all area agencies on aging, including those in New York City, to collect and report to SOFA the unmet need for each program or service they offer.

Position: No Position

Outcome: Remained in Assembly Rules Committee.

Capital Funding for Assisted Living Programs

[A.251 \(Magnarelli\)](#)

Summary: Adds the ALP as an eligible provider type under the Vital Access Provider (VAP) program.

Position: [Support](#)

Outcome: Remained in Assembly Health Committee.

Prohibition of Termination of Tenancy for Seniors

[A.308 \(Burdick\)/S.286 \(Stewart Cousins\)](#)

Summary: Places limitations on a landlord's ability to terminate the tenancy of seniors residing in certain housing facilities.

Position: [Oppose](#)

Outcome: Remained in Assembly Housing Committee. Advanced to Senate Floor Calendar.

Personal Caregiving Visitation Outside of Public Health Emergency

[A.533 \(Bronson\)/S.2626 \(May\)](#)

Summary: Amends enacted laws of 2021 to allow for personal caregiving visitation regardless of state PHE status.

Position: Concerns

Outcome: Remained in Assembly and Senate Health Committees.

Notice of Assisted Living Facility Changes

[A.576 \(Rosenthal\)](#)

Summary: Requires assisted living facilities to notify residents of changes to medical and support services 180 days prior to such changes taking effect.

Position: [Oppose](#)

Outcome: Remained in Assembly Health Committee.

Medical Aid in Dying Act

[A.995-A \(Paulin\)/S.2445-A \(Hoylman-Sigal\)](#)

Summary: Allows mentally competent, terminally ill individuals with a life expectancy of less than six months to request life-ending medication from their physician.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

ACF Character and Competence Review

[A.1124 \(Forrest\)/S.5644 \(Rivera\)](#)

Summary: Requires DOH to solicit and consider public comment as a part of the character and competence review process for new ACFs or applications for change in ownership of an ACF.

Position: Concerns

Outcome: Remained in Assembly Health and Senate Social Services Committees.

Additions to Health Care Worker Bonus Eligibility

[A.1192 \(Joyner\)/S.6717 \(Chu\)](#)

Summary: Clarifies that home health aides, personal care aides, home attendants, and individuals performing consumer directed personal assistance are included in the bonuses for frontline health care workers provided for in the Fiscal Year (FY) 2023 Budget.

Position: Concerns

Outcome: Remained in Assembly Health and Senate Health Committees.

Mandatory Reporting in ACFs

[A.1655 \(Aubry\)](#)

Summary: Establishes mandatory reporting requirements for mentally or physically incapacitated persons, and affords them the same protections currently afforded to minors in New York State.

Position: Concerns

Outcome: Remained in Assembly Health Committee.

TBI Certification for ACFs

[A.1519 \(Weprin\)](#)

Summary: Amends the Social Services Law by adding a new requirement that ACFs serving individuals with traumatic brain injury (TBI) must hold a national certification, professional license, or employ a licensed professional trained in the care and rehabilitation of residents with TBI.

Position: [Oppose](#)

Outcome: Remained in Assembly Health Committee.

Nursing Home Quality and Safety Study

[A.1856 \(Kim\)/S.3006 \(Cleare\)](#)

Summary: Establishes the nursing home resident quality and safety study to study the implementation of a globally recognized frailty index score methodology in nursing homes.

Position: Concerns

Outcome: Remained in Assembly and Senate Health Committees.

Home Care Jobs Innovation Program

[A.1857 \(Kim\)](#)

Summary: Establishes the Home Care Jobs Innovation Program, which would grant awards to projects to support innovative programs that support recruitment and retention efforts within the home care workforce.

Position: Support

Outcome: Remained in Assembly Health Committee.

Penalties for Mandatory Nurse Overtime

[A.2057 \(Joyner\)](#)

Summary: Increases penalties for violations of Labor Law prohibiting hospitals, nursing homes, and other facilities from requiring nurses to work more than their regularly scheduled hours, except in the case of a health care disaster or emergency for up to 30 days. Proposed penalties would be \$1,000 for the first violation and up to \$5,000 for repeat violations occurring within three years.

Position: [Oppose](#)

Outcome: Remained in Assembly Labor Committee.

Nursing Home Ownership

[A.2064 \(Hawley\)/S.650 \(Ortt\)](#)

Summary: Provides for the disclosure of current medical facility ownership and partnerships prior to the purchase of a nursing home. Prohibits owners and operators of medical facilities cited for health inspection violations from purchasing additional nursing homes until the existing facility has been in compliance for two years. Prohibits nursing home operators that sell a facility from purchasing another facility for two years.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

Automatic Dispensing Machines

[A.2132-A \(Dinowitz\)/S.5914-A \(Chu\)](#)

Summary: Permits the use of Automated Dispensing Devices (ADDs) within nursing homes and hospices. Provides that the ADD shall remain property of a pharmacy licensed in New York State, which will maintain all controls, required recordkeeping, and obtain all licensing required by state and federal laws.

Position: [Support](#)

Outcome: Passed Senate. Remained in Assembly Higher Education Committee.

Unpredictable Nursing Home Inspection Act

[A.2115 \(Hawley\)/S.649 \(Ortt\)](#)

Summary: Requires DOH to conduct 40 percent of its inspections on nursing homes outside of business hours, and requires the Department to submit an annual nursing home inspection report to the Governor and Attorney General.

Position: Oppose

Outcome: Remained in Assembly and Senate Health Committees.

Video Communication Devices in Nursing Homes

[A.2117 \(Davila\)](#)

Summary: Requires that both hospitals and nursing homes provide video communication devices to patients during any time when visitor access is limited.

Position: Concerns

Outcome: Remained in Assembly Health Committee.

Nursing Home Survey Posting Requirements

[A.2188 \(Dinowitz\)/S.3498 \(Sanders\)](#)

Summary: Requires nursing homes to post their CMS rating and ratings for health inspections, staffing, and quality measures on the home page of any website maintained by such facility and on any website or webpage relating to such facility. Each nursing home shall also conspicuously post these ratings in the facility so that they are visible to the general public and to residents.

Position: [Oppose](#)

Outcome: Passed Assembly. Remained in Senate Health Committee.

Annual Increase to Minimum Wage

[A.2204-A \(Joyner\)/S.1978-A \(Ramos\)](#)

Summary: Incrementally increases the state's minimum wage to \$21.25 downstate and \$20 upstate by 2026, and thereafter increases it annually based on the rate of inflation.

Position: No Position

Outcome: Remained in Assembly and Senate Labor Committees.

Nursing Home-MLTC Rural Demonstration

[A.2437 \(Jones\)/S.496 \(Stec\)](#)

Summary: Authorizes the Commissioner of Health to allow, in one or more rural areas, one or more MLTC plans to enroll Medicaid beneficiaries and retain existing enrollees who are permanently placed in a nursing home on a demonstration basis.

Position: [Support](#)

Outcome: Remained in Assembly and Senate Health Committees.

Physical Therapy Staffing in Nursing Homes

[A.2800 \(Hevesi\)](#)

Summary: Amends the Public Health Law to include physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, and recreational therapists within the existing nursing home staffing standard requirements.

Position: Support

Outcome: Remained in Assembly Health Committee.

Frontline Worker Assistance Act

[A.2871 \(Solages\)](#)

Summary: Enacts the "Frontline Worker Assistance Act" to establish a \$1,000 tax credit for public employees performing their duties while remaining at their worksite or job location during the COVID-19 pandemic who have not received additional compensation pursuant to a federal, state, or local award, grant, or retention payment.

Position: Support

Outcome: Remained in Assembly Ways and Means Committee.

Criminal History Record Checks for ACF Employees

[A.2971 \(Jensen\)/S.5822 \(Gallivan\)](#)

Summary: Provides for criminal history background checks of supportive maintenance employees in ACFs and assisted living facilities, similar to checks completed on nursing home employees.

Position: [Oppose](#)

Outcome: Remained in Assembly and Senate Health Committees.

Medication Aides in St. Lawrence County Nursing Homes

[A.2973 \(Gray\) /S.4177 \(Walczyk\)](#)

Summary: Authorizes a demonstration program to test the use of medication technicians in nursing homes in St. Lawrence County.

Position: [Support](#)

Outcome: Remained in Assembly and Senate Higher Education Committees.

Hospital and Nursing Home Funding Reduction Information for Elected Officials

[A.3101 \(Pheffer-Amato\)/S.2009 \(Sanders\)](#)

Summary: Requires that any information or data used by the Governor, the Division of the Budget (DOB), DOH, or any other relevant state agency to justify reductions in funding to hospitals or nursing homes be made available to state elected officials prior to any vote or reduction in appropriations.

Position: No Position

Outcome: Remained in Assembly Ways and Means and Senate Finance Committees.

Delay in Penalties for Nursing Home Staffing

[A.3147 \(Simpson\)/S.3029 \(Stec\)](#)

Summary: Requires DOH to consider additional factors to further mitigate the impact of the health care staffing shortage affecting nursing homes prior to imposing penalties under Section 2895-b of the Public Health Law.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

Transportation Broker

[A.3606 \(Pretlow\)/S.2412 \(Bailey\)](#)

Summary: Eliminates from law the broker involvement in ambulette transportation under Medicaid.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

Violations in Residential Care Programs

[A.3772 \(Weinstein\)](#)

Summary: Prevents the use of property guardianships under Article 81 of the Mental Hygiene Law by nursing homes and other providers to pursue payment from incapable residents for their services, when the residents or their representatives fail to pay for such services.

Position: [Support Intent](#)

Outcome: Advanced to Assembly Floor Calendar.

Overtime for CNAs

[A.3802 \(Gunther\)](#)

Summary: Includes certified nursing assistants (CNAs) in provisions of law relating to restrictions on consecutive hours of work.

Position: [Oppose](#)

Outcome: Remained in Assembly Labor Committee.

Health Benefits for Public Retirees

[A.3896 \(McDonald\)/S.4465 \(Breslin\)](#)

Summary: Ensures that no public retiree loses their skilled nursing care benefits when they enroll in Medicare.

Position: Support

Outcome: Advanced and Remained in Assembly Ways and Means and Senate Finance Committees.

DOH Study on New Veterans' Nursing Homes

[A.4162 \(Manktelow\)/S.4256 \(Ashby\)](#)

Summary: Directs DOH to conduct a study into the opening of three new veterans' nursing homes in New York State.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

Senior Housing Accessibility Study Group

[A.4169 \(Ra\)](#)

Summary: Establishes the Senior Housing Accessibility Study Group to examine and make recommendations for amending the New York State Uniform Fire Prevention and Building Code to improve and enhance accessibility requirements for all newly constructed or substantially reconstructed senior housing developments.

Position: No Position

Outcome: Remained in Assembly Aging Committee.

Restrictions on Tenant Base Rent

[A.4718 \(Rosenthal\)](#)

Summary: Prohibits landlords from including the cost of "nonessential services," such as cable TV, internet services, or garage usage, as a condition of a lease agreement.

Position: No Position

Outcome: Remained in Assembly Housing Committee.

Approval of Provider Mergers and Affiliations

[A.5375 \(Paulin\)](#)

Summary: Requires that persons or entities with operational authority over a hospital be subject to establishment approval by the Public Health and Health Planning Council (PHHPC).

Position: [Oppose](#)

Outcome: Advanced and Laid Aside on Assembly Floor Calendar.

Submission of Home Care Agency Claims

[A.5750 \(Paulin\)/S.6123 \(Rivera\)](#)

Summary: Requires claims for services provided by home care agencies to be submitted on forms approved by CMS.

Position: No Position

Outcome: Advanced and Remained in Assembly Rules Committee and Senate Floor Calendar.

Non-Emergency Medical Transportation in MLTC

[A.6020 \(Paulin\)/S.4788 \(Rivera\)](#)

Summary: Reinstates the MLTC non-emergency medical transportation (NEMT) benefit back into MLTC.

Position: [Support](#)

Outcome: Advanced and Remained in Assembly Ways and Means and Senate Finance Committee.

Prohibition on Establishment of For-Profit Hospices

[A.6032 \(Paulin\)/S.6460 \(Krueger\)](#)

Summary: Prohibits the approval of new applications for establishment, construction, or increased capacity of hospices if they are to be operated, in whole or in part, by for-profit hospice entities. Existing for-profit hospices would remain approved but would not be authorized to increase capacity.

Position: [Support](#)

Outcome: Passed Senate. Advanced and Remained on Assembly Floor Calendar.

Nursing Home Temporary Operator

[A.6034-A \(Paulin\)](#)

Summary: Allows the Commissioner of Health to appoint a temporary operator if a nursing facility experiences serious financial instability or conditions that seriously endanger the life, health, or safety of residents or patients.

Position: [Oppose](#)

Outcome: Passed Assembly. Remained in Senate Health Committee.

Study of Federal Conflict of Interest Rule

[A.6221-A \(Paulin\)/S.6960 \(Rivera\)](#)

Summary: Requires DOH to produce a report on the ability of TBI and Nursing Home Transition and Diversion (NHTD) Waiver providers to maintain their level of consumer services while complying with new federal conflict of interest (COI) rules prior to the implementation of the provisions.

Position: [Support](#)

Outcome: *Advanced and Remained in Assembly Ways and Means and Senate Finance Committees.*

State Food Standards for Public Entities

[A.6720 \(Solages\)/S.4364 \(Fernandez\)](#)

Summary: Adds “State Food Standards” to the Public Health Law, and requires DOH to develop food standards for all food bought, sold, served, and promoted by state agencies and on state property.

Position: Concerns

Outcome: *Advanced and remained in Assembly Ways and Means Committee. Remained in Senate Procurement Committee.*

Private Duty Nursing

[A.6975 \(Sillitti\)/S.506 \(Thomas\)](#)

Summary: Provides a mechanism for a Medicaid recipient who is authorized to receive in-home private duty nursing services to receive such services from a relative who is a registered professional nurse.

Position: No Position

Outcome: *Passed Senate. Remained in Assembly Health Committee.*

Adult Vaccine Registry and Reporting

[A.7154 \(McDonald\)/S.1531 \(Hoylman\)](#)

Summary: Requires health care providers who administer any vaccines to a person 19 years of age or older to report all such vaccinations to the New York State DOH, or, for health care providers located in New York City, the New York City DOH. Provides that individuals may opt out from their vaccination being reported to the registry.

Position: Support

Outcome: *Passed Assembly. Remained in Senate Health Committee.*

Community Paramedicine

[A.7174 \(Paulin\)/S.4784 \(Rivera\)](#)

Summary: Authorizes emergency medical technicians (EMTs) or advanced EMTs, acting as part of a collaborative program with other health care providers, to offer community paramedicine services within their existing scope of practice.

Position: Oppose

Outcome: *Remained in Assembly Health Committee. Advanced and Remained in Senate Finance Committee.*

New For-Profit Nursing Home Licenses

[A.7186 \(Bichotte\) / S.2929 \(Rivera\)](#)

Summary: Prohibits all future establishment or expansion of bed capacity of a nursing home owned or operated, in whole or part, by a for-profit entity.

Position: No Position

Outcome: *Remained in Assembly and Senate Health Committees.*

Delivery of TBI Services Study

[A.7215 \(McDonald\)/S.1478 \(Hinchey\)](#)

Summary: Directs DOH and the Office for People with Developmental Disabilities (OPWDD) to conduct a study into the accessibility, affordability, and delivery of services to individuals with TBI.

Position: No Position

Outcome: *Passed Senate. Remained in Assembly Health Committee.*

TBI/NHTD Managed Care Carve-Out

[A.7369 \(McDonald\)/S.2867 \(Rivera\)](#)

Summary: Allows individuals receiving TBI and NHTD Waiver services to continue to receive such services outside of managed care programs.

Position: [Support](#)

Outcome: Passed Senate. Remained in Assembly Health Committee.

Rates of Payment for Certified Home Health Agencies

[A.7460 \(Paulin\)/S.4791 \(Rivera\)](#)

Summary: Authorizes DOH to provide a 10 percent increase in the base episodic payment and in the individual rates for services exempt from episodic payments. Establishes minimum standards and a minimum benchmark for home care services payments.

Position: No Position

Outcome: Remained in Assembly and Senate Health Committees.

Transition to Adulthood for Children with Medical Fragility

[S.323 \(Stewart-Cousins\)](#)

Summary: Aids in the transition to adulthood for children with medical fragility living in pediatric nursing homes and other settings.

Position: [Support](#)

Outcome: Remained in Senate Finance Committee.

Aging in Place Task Force

[S.713 \(Cleare\)](#)

Summary: Establishes the Aging in Place Task Force to study how the state can encourage aging in place.

Position: No Position

Outcome: Advanced and Remained in Senate Finance Committee.

Independent Senior Housing Resident Freedom of Choice Act

[S.714 \(Cleare\)](#)

Summary: Clarifies that individuals living in senior housing have the right to access and obtain the same services that they would if they were an individual residing in the community, from the provider of their choosing.

Position: [Support](#)

Outcome: Remained in Senate Aging Committee.

HCBS Eligibility Look-Back Period

[S.2125 \(Rivera\)](#)

Summary: Relates to the definition of the “look-back period” for the determination of eligibility of an individual for medical assistance benefits, and exempts certain assets used on the individual’s behalf.

Position: No Position

Outcome: Passed Senate. Remained in Assembly Health Committee.

COVID-19 Pandemic Response in Nursing Homes

[S.2419 \(Tedisco\)](#)

Summary: Establishes an independent, bipartisan state commission to fully investigate the deaths of 6,200 New Yorkers who died from COVID-19 in state-regulated nursing homes.

Position: No Position

Outcome: Remained in Senate Health Committee.

PPE Payments for Home Care

[S.2928 \(Rivera\)](#)

Summary: Requires MLTC plans to reimburse home care agencies and FIs for personal protective equipment (PPE) costs and a 90-day inventory.

Position: [Concerns](#)

Outcome: Passed Senate. Remained in Assembly Health Committee.

Office for an Age-Friendly New York

[S.3007 \(Cleare\)](#)

Summary: Establishes the Office for an Age-Friendly New York within the Executive Branch dedicated to making New York a safer and healthier place for older adults to live.

Position: No Position

Outcome: *Advanced and Remained in Senate Finance Committee.*

Fair Pay for Home Care Act

[S.3189 \(May\)](#)

Summary: Establishes a base wage rate for home care workers at 150 percent of the current minimum wage or other set minimum rate, and additional benefit portions of the minimum rate separate from the cash portion. Directs DOH to set regional minimum rates of reimbursement for home care aides under Medicaid and managed care plans.

Position: No Position

Outcome: *Remained in Senate Health Committee.*

Specialized Health Home Program

[S.4789 \(Rivera\)](#)

Summary: Establishes a specialized health home program to serve Medicaid-eligible adults 18 years of age or older with a diagnosis of a neurological, muscular, or neuromuscular condition and a mobility impairment, and directs the specialized health homes to be reimbursed on a fee-for-service basis and receive enhanced rates of payment.

Position: No Position

Outcome: *Advanced and Remained in Senate Finance Committee.*

Personal Care Services for Individuals with TBI or DD

[S.5470 \(Rivera\)](#)

Summary: Clarifies that provisions protecting eligibility for personal care at home afforded to persons with dementia or Alzheimer's in recently enacted legislation extend as well to persons with TBI, cognitive impairment, developmental disability (DD), blindness, or visual impairment.

Position: [Support](#)

Outcome: *Remained in Senate Health Committee.*