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leadingageny.org

July 19, 2018

Dear Members:

The 2018 Legislative Session, one marked by heightened levels of gridlock and election-year bickering, drew to a close on Thurs., June 21st. To supplement [last month's update](#) on the outcomes of our key advocacy initiatives, LeadingAge New York has developed this comprehensive document summarizing all of the health, housing, and long term care legislation that we followed over the course of session. As you will see, two of the priority bills we championed passed both houses of the Legislature, and all of the bills we opposed were defeated. We would not have had these successes if it weren't for your advocacy efforts. **Thank you for all of your help!**

With lawmakers now back in their districts, LeadingAge New York encourages you to continue engaging and meeting with them throughout the remainder of the year. Invite them to your organization to meet your residents and staff, and thank them for their hard work in helping us advance our priorities! We also urge you to consider nominating your legislators for a [Partners in Quality Award](#) to recognize their advocacy efforts this session. Nomination forms should be emailed to Jeff Diamond at jdiamond@leadingageny.org or faxed to 518-867-8384 by **Tues., July 31, 2018**.

If you have any questions or concerns about the bills mentioned in this document or would like to discuss any advocacy initiatives, please feel free to contact the Advocacy and Public Policy team at 518-867-8383.

As always, we will keep you posted with any legislative updates. Again, thank you for your advocacy efforts. Our successes would not have been possible without you!

Ami

**LeadingAge New York
Legislative Bill Summary
July 2018**

Passed Both Houses

These bills have passed both the Assembly and Senate and are waiting to be signed into law by the Governor.

Access to Hospice Services in the ALP

[A.10459-A \(Lupardo\)/S.8353-A \(Hannon\)](#)

Summary: Allows Medicaid beneficiaries residing in Assisted Living Programs (ALPs) to access hospice services without having to transfer from the ALP.

Position: [Support](#)

DFS-Compliant Cybersecurity Policy for CCRCs

[A.10486-B \(Cahill\)/S.7940-B \(Seward\)](#)

Summary: Permits Continuing Care Retirement Communities (CCRCs) to adopt written cybersecurity policies and self-certify that such policies are not inconsistent with the goals of the cybersecurity regulations promulgated by the Department of Financial Services (DFS) in 2017.

Position: [Support](#)

Legislation Failing to Advance to the Governor

These bills have passed either the Assembly or Senate or remained in committee.

Overtime for Certified Nursing Assistants

[A.543 \(Gunther\)/S.857 \(Young\)](#)

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

Position: [Oppose](#)

Outcome: Remained in the Assembly and Senate Labor Committees.

ACF and Nursing Home Closure Commission

[A.1029 \(Simon\)](#)

Summary: Creates a temporary state commission to study and investigate the effects of closures of long term care facilities on the residents of such facilities and their families.

Position: Oppose

Outcome: Remained in the Assembly Aging Committee.

Hours Worked by Nurses

[A.876 \(Gunther\)](#)

Summary: Adds home care visits to the existing law that no health care employer shall require a registered professional nurse or a licensed practical nurse to work more than that nurse's regularly scheduled work hours or home care visits.

Position: [Oppose](#)

Outcome: Remained in the Assembly Labor Committee.

Filming of Medical Treatments

[A.1190-B \(Braunstein\)/S.3696-B \(Golden\)](#)

Summary: Requires a medical facility or related services to obtain express prior written consent before the making and/or broadcasting of visual images of a patient's medical treatment.

Position: Concerns shared with sponsors

Outcome: Advanced to and remained on the Assembly Floor Calendar and remained in the Senate Health Committee.

Violations in Residential Care Programs

[A.1350-A \(Weinstein\)/S.4083-A \(Golden\)](#)

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: Remained in the Assembly Codes and Senate Mental Health Committees.

Statewide Telehealth/Telemedicine Network

[A.1410 \(Jenne\)](#)

Summary: Promotes the establishment and maintenance of a statewide telehealth/telemedicine network to serve the health care needs of New York's residents, especially those located in underserved rural, urban, and suburban areas.

Position: Support

Outcome: Remained in the Assembly Health Committee.

Telehealth Payment Parity

[A.1421-B \(Jenne\)/S.834-A \(Young\)](#)

Summary: Requires that services provided via telehealth be reimbursed at the same rate as services provided in person.

Position: Support

Outcome: Remained in the Assembly Insurance and Senate Health Committees.

Adult Care Facilities and Temporary Operators

[A.1422 \(Weinstein\)](#)

Summary: Establishes a cause of action by residents of adult care facilities to petition for appointment of a temporary operator.

Position: [Oppose](#)

Outcome: Advanced to and remained on the Assembly Floor Calendar.

TBI-DD Integration

[A.1425-A \(Jenne\)](#)

Summary: Requires the Department of Health (DOH) to ensure to the extent practicable that adequate services are available to individuals with a traumatic brain injury (TBI), regardless of age, so long as the provision of such services does not displace any other developmental disabilities (DD) patients from receiving OPWDD services.

Position: [Support](#)

Outcome: Remained in the Assembly Health Committee.

Staffing Ratios

[A.1532 \(Gunther\)/S.3330 \(Hannon\)](#)

Summary: Creates specific staffing ratios for nurses and other direct care staff in hospitals and nursing homes.

Position: [Oppose](#)

Outcome: Remained in the Assembly Codes and Senate Health Committees.

Telehealth Coverage by Home Care Providers

[A.1535 \(Jenne\)/S.3937 \(Young\)](#)

Summary: Provides for the delivery and insurance coverage of telehealth services by means of home care services.

Position: Support

Outcome: Remained in the Assembly and Senate Health Committees.

Capital Funding for Assisted Living Programs

[A.1612-A \(Magnarelli\)/S.6319 \(Hannon\)](#)

[A.1650 \(Magnarelli\)](#)

Summary: The first bill adds the Assisted Living Program (ALP) as an eligible provider type under the Vital Access Provider (VAP) program. The second bill makes both ALPs and hospice providers eligible to apply for funding under the Statewide Health Care Facility Transformation Program.

Position: [Support](#)

Outcome: The first bill remained in the Assembly and Senate Health Committees. The second bill remained in the Assembly Health Committee.

Medical Orders for Life-Sustaining Treatment (MOLST)

[A.2316 \(Morelle\)/S.966 \(Funke\)](#)

Summary: Supports the long-term sustainability of the Medical Orders for Life-Sustaining Treatment (MOLST) program by expressly referencing the MOLST program in statute, creating an eMOLST registry, and providing for mandatory submission to the registry in order to accelerate the digital transformation of the MOLST program.

Position: Support

Outcome: Remained in the Assembly and Senate Health Committees.

Managed Long Term Care Plan Ownership

[A.2358-A \(Gottfried\)/S.1098-A \(Rivera\)](#)

Summary: Amends the Public Health Law's definition of "eligible applicant" for certification as a Managed Long Term Care (MLTC) plan to require eligible insurers and health maintenance organizations to be not-for-profit. An exception would recognize entities already certified.

Position: Support

Outcome: Advanced to and remained on the Assembly Floor Calendar and remained in the Senate Health Committee.

RN at EALRs and SNALRs

[A.2360 \(Gottfried\)](#)

Summary: Requires a registered nurse to be on staff at facilities certified for enhanced assisted living or special needs assisted living.

Position: [Oppose](#)

Outcome: Advanced to and remained on the Assembly Floor Calendar.

Medical Aid in Dying Act

[A.2383-A \(Paulin\)/S.3151-A \(Savino\)](#)

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 the Assembly and Senate Health Committees.

TBI/NHTD Managed Care Carve-Out

[A.2442 \(Gottfried\)/S.1870 \(Hannon\)](#)

Summary: Allows individuals receiving Traumatic Brain Injury (TBI) and Nursing Home Transition and Diversion (NHTD) waiver services to continue to receive such services outside of managed care programs.

Position: [Support](#)

Outcome: Passed the Senate and remained in the Assembly Ways and Means Committee.

Rights of Residents of Adult Care Facilities

[A.2463-A \(Gottfried\)/S.1102-A \(Rivera\)](#)

Summary: Authorizes residents in adult care facilities to designate resident representatives and legal representatives; also establishes that residents have the right to choose their own health care providers and be fully informed about treatment and the right to refuse treatment after being fully informed of the consequences.

Position: No position

Outcome: Passed the Assembly and remained in the Senate Social Services Committee.

Private Right of Action for Nursing Home Residents

[A.2478 \(Gottfried\)/S.83 \(Hoylman\)](#)

Summary: Allows a nursing home patient's right to sue for injuries to be exercised by the patient's legal representative or estate.

Position: Oppose

Outcome: Passed the Assembly and remained in the Senate Health Committee.

Definition of Palliative Care

[A.2723 \(Gottfried\)/S.789 \(Alcantara\)](#)

Summary: Adds a definition for and updates other references to palliative care in the hospice law.

Position: Support

Outcome: Passed the Assembly and remained in the Senate Health Committee.

Community Paramedicine

[A.2733-A \(Gottfried\)/S.5588 \(Hannon\)](#)

Summary: Authorizes 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 the Assembly and Senate Health Committees.

Role of the Nurse in Adult Care Facilities

[A.2736-A \(Gottfried\)/S.4398-A \(Hannon\)](#)

Summary: Allows adult care facility and assisted living settings to directly employ licensed practical nurses or registered nurses in order to provide nursing services.

Position: [Support](#)

Outcome: Remained in the Assembly and Senate Health Committees.

Safety Violations in Adult Care Facilities

[A.2743 \(Gottfried\)](#)

Summary: Requires an annual audit of facilities that receive funds under the EQUAL program, increases maximum civil penalties for 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: Advanced to and remained on the Assembly Floor Calendar.

Study of Fees and Charges for Residents of Assisted Living Residences

[A.3061 \(DenDekker\)/S.7707-A \(Lanza\)](#)

Summary: Authorizes and directs the Department of Health and the State Office for the Aging to conduct a study of fees and charges assessed to residents of assisted living facilities.

Position: Oppose

Outcome: Passed the Assembly and advanced to and remained on the Senate Floor Calendar.

Quality Innovation and Improvement Through Home Care

[A.3984 \(Gottfried\)](#)

Summary: Establishes the program of health care quality innovation and improvement through home care. The bill would promote a new quality measurement and analytical tool and guidelines/special trainings for staff.

Position: Support

Outcome: Remained in the Assembly Health Committee.

TBI Certification or Professional License for Adult Care Facilities

[A.4235 \(Weprin\)/S.32 \(Golden\)](#)

Summary: Requires certain residential adult care facilities to hold a specific TBI certification or professional license.

Position: Neutral

Outcome: Remained in the Assembly and Senate Health Committees.

Criminal History Record Checks for ACF Employees

[A.4304 \(Lawrence\)](#)

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 the Assembly Health Committee.

Notice of Assisted Living Facility Changes

[A.4958 \(Rosenthal\)](#)

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 the Assembly Health Committee.

Personal Needs Allowance for Nursing Home Residents

[A.5217 \(Titus\)/S.727 \(Ritchie\)](#)

Summary: Increases the monthly personal needs allowance for nursing home residents who are receiving or eligible to receive additional state payments.

Position: [Support](#)

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

Antipsychotic Use in Nursing Homes and ACFs

[A.5332-A \(Gottfried\)/S.8752-A \(Sepulveda\)](#)

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: Passed the Assembly and remained in the Senate Health Committee.

Managed Long Term Care Plan Ownership

[A.5947 \(Pichardo\)](#)

Summary: Amends the Public Health Law's definition of "eligible applicant" for certification as a Managed Long Term Care (MLTC) plan to require eligible insurers and health maintenance organizations to be not-for-profit. An exception would recognize entities already certified.

Position: Support

Outcome: Remained in the Assembly Health Committee.

AEDs in Assisted Living Residences

[A.6093 \(Englebright\)](#)

Summary: Requires assisted living residences to have an automated defibrillator on the premises.

Position: Oppose

Outcome: Remained in the Assembly Health Committee.

Independent Senior Housing Resident Freedom of Choice Act

[A.6341 \(Cymbrowitz\)/S.535 \(Young\)](#)

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 the Assembly and Senate Aging Committees.

CCRC Revitalization Act

[A.6450 \(Schimminger\)/S.5172 \(Hannon\)](#)

Summary: Modernizes the CCRC laws in New York and eliminates barriers to their development, expansion, and efficient operation.

Position: [Support](#)

Outcome: Remained in the Assembly and Senate Health Committees.

Affordable Senior Housing and Services Program

[A.6804 \(Cymbrowitz\)](#)

Summary: Establishes an Affordable Senior Housing and Services Program with its own rules and scoring criteria and provides for optional basic healthy aging services for senior housing residents.

Position: Support

Outcome: Remained in the Assembly Ways and Means Committee.

Medication Aides in Nursing Homes

[A.6891 \(Jenne\)](#)

Summary: Allows Certified Nursing Aides (CNAs) who receive advanced training to administer medications in nursing homes under the supervision of a Registered Nurse (RN).

Position: [Support](#)

Outcome: Remained in the Assembly Higher Education Committee.

Utilization Review for Nursing Home Coverage

[A.7108 \(Gottfried\)/S.7871 \(Hannon\)](#)

Summary: Requires a utilization review of a request for nursing home care after an inpatient hospital admission to be completed within 24 hours of the request.

Position: Oppose

Outcome: Passed the Assembly and advanced to and remained on the Senate Floor Calendar.

Medication Aides in St. Lawrence County Nursing Homes

[A.7377-A \(Jenne\)/S.7164-A \(Ritchie\)](#)

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

Position: [Support](#)

Outcome: Passed the Senate and remained in the Assembly Higher Education Committee.

ALP CON Process

[A.9562 \(Lupardo\)](#)

Summary: Alters the Assisted Living Program (ALP) from a competitive process to a certificate of need (CON) process that awards beds based on demonstrated community need and allows existing ALP providers to add up to nine beds through an expedited process.

Position: [Support](#)

Outcome: Remained in the Assembly Ways and Means Committee.

Supplemental Security Income Increase for ACFs

[A.9963 \(Brindisi\)/S.7743 \(Serino\)](#)

[S.763-A \(Little\)](#)

Summary: Increase the State portion of the Supplemental Security Income (SSI) Congregate Care Level 3 rate to enable ACFs to continue to care for SSI recipients.

Position: [Support](#)

Outcome: The first bill passed the Senate and remained in the Assembly Social Services Committee. The second bill remained in the Senate Social Services Committee.

Affordable Independent Senior Housing Assistance Program

[A.10017-A \(Cymbrowitz\)/S.7866-A \(Little\)](#)

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 the Assembly Housing and Senate Finance Committees.

ESDC Study on DOL Call-In Regulations

[A.10423 \(Schimminger\)/S.7908-A \(Funke\)](#)

Summary: Delays implementation of the Department of Labor (DOL) employee call-in regulations until at least 90 days after completion of a study on the potential impact conducted by the Empire State Development Corporation.

Position: Support

Outcome: Advanced to and remained on the Senate Floor Calendar and remained in the Assembly Labor Committee.

Medicaid Reimbursement for Complex Needs Patients

[A.10604 \(McDonald\)](#)

Summary: Requires specific Medicaid insurance codes related to complex needs patients' therapy and treatment; requires managed care contracts to comply with certain reimbursement rates.

Position: Concerns shared with sponsors

Outcome: Passed the Assembly.

Nursing Home-MLTC Rural Demonstration

[A.10688 \(Jones\)/S.8488 \(Little\)](#)

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 the Assembly and Senate Health Committees.

LHCSA Moratorium Flexibility

[A.11126 \(Gottfried\)/S.8942 \(Hannon\)](#)

Summary: Grants the Commissioner of Health greater authority to provide exemptions to the recently enacted moratorium on Licensed Home Care Services Agency (LHCSA) applications.

Position: Support

Outcome: Passed the Senate and remained in the Assembly Rules Committee.

E-Prescribing Requirements Exception for Nursing Homes

[A.11127 \(Gottfried\)/S.8943 \(Hannon\)](#)

Summary: Allows non-electronic prescriptions to be made through the long-established mechanism of oral prescriptions being submitted by nursing homes for their residents.

Position: Support

Outcome: Passed the Senate and remained in the Assembly Rules Committee.

ACF and Nursing Home Closure Commission

[S.2264 \(Parker\)](#)

Summary: Creates a temporary state commission to study and investigate the effects of closures of long term care facilities on the residents of such facilities and their families.

Position: Oppose

Outcome: Remained in the Senate Aging Committee.

TBI-DD Integration

[S.517 \(Young\)](#)

Summary: Enables individuals with a traumatic brain injury (TBI) sustained after the age of 21 to access developmental disabilities (DD) services.

Position: [Support](#)

Outcome: Advanced to and remained on the Senate Floor Calendar.

Affordable Senior Housing and Services Program

[S.5141-B \(Little\)](#)

Summary: Establishes an Affordable Senior Housing and Services Program with its own rules and scoring criteria and provides for optional basic healthy aging services for senior housing residents.

Position: [Support](#)

Outcome: Remained in the Senate Housing Committee.

Air Conditioner Fees

[S.7225 \(Peralta\)](#)

Summary: Directs the Commissioner of Health to establish a schedule of fees for the use, maintenance, and repair of air conditioners used by residents of adult homes.

Position: [Oppose](#)

Outcome: *Remained in the Senate Health Committee.*