

STATE OF NEW YORK

10818

IN ASSEMBLY

May 21, 2018

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to home care and hospice worker shortage areas and disciplines

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3614 of the public health law is amended by adding
2 a new subdivision 9-a to read as follows:

3 9-a. Notwithstanding any inconsistent provision of this section,
4 effective for annual periods beginning April first, two thousand eigh-
5 teen, and for each annual period thereafter, the commissioner is author-
6 ized, subject to the availability of federal financial participation and
7 upon approval of the state director of the budget, to further adjust
8 medical assistance rates of payment for certified home health agencies,
9 managed long term care plans, hospices, long term home health care
10 programs, licensed home care services agencies providing services under
11 contract with such agencies and plans, and such other entities qualify-
12 ing under subdivision nine of this section, targeted for recruitment,
13 training and retention of direct care workers for services in shortage
14 areas and by shortage disciplines which may include nurses, therapists,
15 social workers, home health aides and personal care aides.

16 The commissioner is further authorized to provide such adjustments to
17 pilot test the impact on recruitment and retention of allowing funds to
18 be used for critical supports and incentives for direct care personnel,
19 including transportation, education, training, child day care, career
20 ladder, peer support, and other supports which the commissioner may
21 determine.

22 Notwithstanding any inconsistent provision of section twenty-eight
23 hundred seven-v of this chapter, funds for such adjustments may be made
24 available, upon the approval of the state budget director, from any
25 unexpended funds and balances available under such section, and in annu-
26 al amounts of up to thirty percent of the aggregate level specified for
27 adjustments under subdivision nine of this section.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 On or before April first, two thousand twenty, the commissioner shall
2 submit information to the governor and legislature on the effectiveness
3 of the program in recruitment and retention of direct care home care
4 personnel, and in addressing community need, and shall make recommenda-
5 tions for the continuation or modification of the program. The commis-
6 sioner shall seek the input of representatives of the providers, plans,
7 consumers and workers in examining and reporting on the program.

8 § 2. Subdivision 1 of section 2807-v of the public health law is
9 amended by adding a new paragraph (jjj) to read as follows:

10 (jjj) Funds may be made available, from any unexpended funds and
11 balances under this section, for rate adjustments authorized under
12 subdivision nine-a of section thirty-six hundred fourteen of this chap-
13 ter, which shall not exceed the amount specified in such subdivision.

14 § 3. This act shall take effect immediately.