

# STATE OF NEW YORK

1420

2019-2020 Regular Sessions

## IN SENATE

January 14, 2019

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed 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 nine-  
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-

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

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1 al amounts of up to thirty percent of the aggregate level specified for  
2 adjustments under subdivision nine of this section.

3 On or before April first, two thousand twenty-one, the commissioner  
4 shall submit information to the governor and legislature on the effec-  
5 tiveness of the program in recruitment and retention of direct care home  
6 care personnel, and in addressing community need, and shall make recom-  
7 mendations for the continuation or modification of the program. The  
8 commissioner shall seek the input of representatives of the providers,  
9 plans, consumers and workers in examining and reporting on the program.

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

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

16 § 3. This act shall take effect immediately.