STATE OF NEW YORK

3748

2021-2022 Regular Sessions

IN SENATE

January 30, 2021

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:

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

9-a. Notwithstanding any inconsistent provision of this section, effective for annual periods beginning April first, two thousand twenty-one, and for each annual period thereafter, the commissioner is authorized, subject to the availability of federal financial participation and upon approval of the state director of the budget, to further adjust medical assistance rates of payment for certified home health agencies, managed long term care plans, hospices, long term home health care programs, licensed home care services agencies providing services under contract with such agencies and plans, and such other entities qualifying under subdivision nine of this section, targeted for recruitment, training and retention of direct care workers for services in shortage areas and by shortage disciplines which may include nurses, therapists, social workers, home health aides and personal care aides.

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

Notwithstanding any inconsistent provision of section twenty-eight hundred seven-v of this chapter, funds for such adjustments may be made available, upon the approval of the state budget director, from any 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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al amounts of up to thirty percent of the aggregate level specified for adjustments under subdivision nine of this section.

On or before April first, two thousand twenty-three, the commissioner shall submit information to the governor and legislature on the effectiveness of the program in recruitment and retention of direct care home care personnel, and in addressing community need, and shall make recommendations for the continuation or modification of the program. The commissioner shall seek the input of representatives of the providers, plans, consumers and workers in examining and reporting on the program.

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

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

§ 3. This act shall take effect immediately.