STATE OF NEW YORK

8586

IN SENATE

March 17, 2022

Introduced by Sens. FELDER, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to direct the department of health to conduct a statewide study on the support and administration needs of the consumer-directed personal care program

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

Section 1. Legislative purpose. During the pandemic, New York's seniors, and disabled individuals, particularly those residing in nursing homes and long-term care facilities, were at the greatest risk of contracting and dying from the coronavirus. The families of these vulnerable individuals were faced with the life and death decision of allowing their loved ones to remain in a congregate facility where they would have limited access to sufficient safety and care, or to bring them home and provide all the care their loved ones required themselves. The health and safety risks associated with living in a congregate setting during the pandemic proved too great for many, resulting in families opting to bring their aging and disabled family members home. Keeping our most vulnerable in the home often required drastic changes to long-term care plans and brought new challenges for families trying to ensure the safety and health of their loved ones. Providing for these family members at home often required finding assistance to adequately care for these vulnerable individuals, resulting in an increased demand for home care providers. New York has a well-documented shortage of home care workforce, so families trying to find a caregiver whom they trust to enter their home during this critical time to care for their at-risk family member became highly challenging and at times impossible. As a result, consumer-directed personal assistants, or family home care, became the safety net provider for the state's most vulnerable population. Having the ability to employ a trusted friend or family member to provide the care needed for our most susceptible family members became a critical resource for these populations.

Ensuring the health and safety of our seniors and disabled citizens by allowing them to remain in their own homes must become a priority for

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

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the state as we reassess the delivery of long-term care. Maintaining and responding to an increased need for consumer-directed home care services is more crucial than ever before and requires a full assessment of the program's needs, including the number of administrators, geographical location, wages and reimbursements, and other supports needed to ensure a continuity of care for all individuals being served.

§ 2. The commissioner of health is hereby directed to prepare or have prepared a study of the Consumer Directed Personal Care Program, authorized by section 365-f of the social services law, to assess the current need and costs associated with and required to provide consumer-directed services within the state, including, but not limited to, total current and anticipated eligible Medicaid recipients; the appropriate number of fiscal intermediaries required to ensure continuity of care and seamless administration of this program for all participants statewide; the need for procurement of fiscal intermediary services; and all evidence-based criteria and scoring to be used during any procurement process, if required.

§ 3. The commissioner of health shall provide the study to the temporary president of the senate, the speaker of the assembly, and the chairs of the senate and assembly health committees by December 31, 2024. Until such time, all changes to the program shall be suspended, and, if necessary, a reissuance of the request for offers shall be released one hundred eighty days after the study's release. The commissioner shall also publish the study on the department of health's website within thirty days of its transmittal to the legislature.

§ 4. This act shall take effect immediately.