

# STATE OF NEW YORK

---

161

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

---

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

AN ACT to amend the public health law, in relation to payments for home  
and community based long term care services

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

1 Section 1. The public health law is amended by adding a new section  
2 3614-f to read as follows:

3 § 3614-f. Payments for home and community based long term care  
4 services. Contracts or agreements with insurers under the medical  
5 assistance program for home and community based long term care services  
6 provided under this article or by fiscal intermediaries operating pursu-  
7 ant to section three hundred sixty-five-f of the social services law  
8 shall provide terms and conditions for the pass-through of funds appro-  
9 priated to compensate for minimum wage pursuant to section six hundred  
10 fifty-two of the labor law. If necessary in order to comply with this  
11 section, existing contracts with home and community based long term care  
12 services providers under this article and to fiscal intermediaries oper-  
13 ating pursuant to section three hundred sixty-five-f of the social  
14 services law shall be amended at least ninety days prior to the effec-  
15 tive date of any such law or regulation impacting wages. Insurers shall  
16 not use such funds to supplant payments for existing services under the  
17 Medicaid program. Such insurers shall include but not be limited to  
18 Medicaid managed care plans and Medicaid managed long term care plans.

19 § 2. This act shall take effect immediately and shall apply to poli-  
20 cies and contracts issued, renewed, modified, altered or amended on or  
21 after such date.

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

LBD00189-01-1