STATE OF NEW YORK

179

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GOTTFRIED, SIMON, PERRY, JACOBSON, FERNANDEZ, WEPRIN, SEAWRIGHT, OTIS, DINOWITZ, CARROLL, CYMBROWITZ, HEVESI, SAYEGH, LUPARDO, RICHARDSON, GALEF, BRONSON -- read once and referred to the Committee on Health

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

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

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

§ 3614-f. Payments for personal protective equipment for home and community based long term care services. The payment of claims submitted under contracts or agreements with insurers under the medical assistance program for home and community based long term care services provided under this article or by fiscal intermediaries operating pursuant to section three hundred sixty-five-f of the social services law shall include reimbursement for expenses related to the provision of personal protective equipment (PPE) for direct care workers, care recipients and an emergency inventory of a ninety-day supply of PPE. Such reimbursement shall be clearly identified as an addition to base rates of payments and in an amount that supplements any current contracts or agreements and shall not use such funds to supplant payments for existing services under the Medicaid program. Determination of a standardized amount for PPE will be adjusted annually and will take into consideration clinical best practices for PPE use and current and projected public health considerations that could result in increased need for PPE supplies. In the event of a declaration of a state of emergency, rate adjustments shall be reviewed and implemented within thirty days to accommodate an immediate need for increased supplies of PPE. Provided that no portion

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

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of the dollars spent or to be spent to satisfy the need for PPE for workers under this section shall be retained or used for another manner by the home and community based long term care provider or fiscal intermediary in receipt of the funding and further that insurers and providers shall report compliance with this section to the department as a component of standardized cost reports required by the department.

§ 2. This act shall take effect immediately.