

# 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:

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 personal protective equipment for home and  
4 community based long term care services. The payment of claims submitted  
5 under contracts or agreements with insurers under the medical assistance  
6 program for home and community based long term care services provided  
7 under this article or by fiscal intermediaries operating pursuant to  
8 section three hundred sixty-five-f of the social services law shall  
9 include reimbursement for expenses related to the provision of personal  
10 protective equipment (PPE) for direct care workers, care recipients and  
11 an emergency inventory of a ninety-day supply of PPE. Such reimbursement  
12 shall be clearly identified as an addition to base rates of payments and  
13 in an amount that supplements any current contracts or agreements and  
14 shall not use such funds to supplant payments for existing services  
15 under the Medicaid program. Determination of a standardized amount for  
16 PPE will be adjusted annually and will take into consideration clinical  
17 best practices for PPE use and current and projected public health  
18 considerations that could result in increased need for PPE supplies. In  
19 the event of a declaration of a state of emergency, rate adjustments  
20 shall be reviewed and implemented within thirty days to accommodate an  
21 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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1 of the dollars spent or to be spent to satisfy the need for PPE for  
2 workers under this section shall be retained or used for another manner  
3 by the home and community based long term care provider or fiscal inter-  
4 mediary in receipt of the funding and further that insurers and provid-  
5 ers shall report compliance with this section to the department as a  
6 component of standardized cost reports required by the department.

7 § 2. This act shall take effect immediately.