STATE OF NEW YORK

4025

2023-2024 Regular Sessions

IN ASSEMBLY

February 9, 2023

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

AN ACT to amend the social services law and the mental hygiene law, in relation to establishing a minimum compensation standard for certain home health aides

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

Section 1. Subdivision 1 of section 368-a of the social services law is amended by adding a new paragraph (g-1) to read as follows:

(g-1) Notwithstanding paragraph (g) of this subdivision, section three hundred sixty-four-j of this title or any other provision of law, a reimbursement for home health services provided for in accordance with paragraph (d) of subdivision two of section three hundred sixty-five-a of this title by an individual or shared aide provided by an approved home health agency when such services are determined to be cost effective and appropriate to meet the recipient's needs for assistance shall be increased to a minimum compensation standard. The commissioner, in consultation with the commissioner of the office for people with developmental disabilities, shall develop methodologies to determine such minimum compensation standard.

§ 2. Section 13.15 of the mental hygiene law, as added by chapter 978 of the laws of 1977, the section heading as amended by chapter 168 of the laws of 2010, subdivision (a) as amended by chapter 37 of the laws of 2011, is amended to read as follows:

§ 13.15 Programs of the office for people with developmental disabilities.

(a) The commissioner shall plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services of prevention, diagnosis, examination, care, treatment, rehabilitation, training, and research for the benefit of individuals with developmental disabilities. Such programs shall include but not be limited to in-patient, out-pa-

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

LBD03121-01-3

tient, partial hospitalization, day care, emergency, rehabilitative, and other appropriate treatments and services. He **or she** shall take all actions that are necessary, desirable, or proper to implement the purposes of this chapter and to carry out the purposes and objectives of the office within the amounts made available therefor by appropriation, grant, gift, devise, bequest, or allocation from the mental health services fund established under section ninety-seven-f of the state finance law.

(b) The activities described in subdivision (a) of this section may be undertaken in cooperation and agreement with other offices, departments or agencies of the state, local or federal government, or with other organizations and individuals.

(c) The commissioner, in consultation with the commissioner of health, shall develop minimum compensation standards for the reimbursement of home health agencies and persons employed thereof.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.