STATE OF NEW YORK

4162

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

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

AN ACT to amend the public health law and the social services law, in relation to rates of reimbursement for private duty nursing

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

Section 1. Subdivision 11 of section 3614 of the public health law is amended by adding a new paragraph (d) to read as follows:

(d) For enrollees covered by Medicaid as of January first, two thousand twenty-six under a payment rate methodology agreement negotiated with a licensed home care services provider, including but not limited to services provided through licensed home care services agencies, payments for all hourly home care services provided through private duty nursing, including but not limited to nursing services, provided to patients eligible for medical assistance pursuant to title eleven of article five of the social services law made by organizations operating in accordance with the provisions of article forty-four of this chapter or by health maintenance organizations organized and operating in accordance with article forty-three of the insurance law shall, at a minimum, be at a benchmark rate which is to be the fee-for-service rate calculated pursuant to this chapter and as in effect at the time such services were provided.

§ 2. Section 364-j of the social services law is amended by adding a new subdivision 40 to read as follows:

40. For enrollees covered by Medicaid as of January first, two thousand twenty-six under a payment rate methodology agreement negotiated with a licensed home care services provider, including but not limited to services provided through licensed home care services agencies, payments for all hourly home care services provided through private duty nursing, including but not limited to nursing services, provided to patients eligible for medical assistance under this title made by organ-

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

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izations operating in accordance with the provisions of article forty-four of the public health law or by health maintenance organizations organized and operating in accordance with article forty-three of the insurance law shall, at a minimum, be the rates of payment that would be paid for such patients pursuant to subdivision fourteen of section thirty-six hundred fourteen of the public health law.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 364-j of the social services law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.