STATE OF NEW YORK

6981

2025-2026 Regular Sessions

IN SENATE

March 27, 2025

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to state aid for home health care to meet community need

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

Section 1. Legislative intent. The legislature finds and declares this necessity to act to further support the state's home health care policy and goals as set forth in public health law section thirty-six hundred, current public health law sections thirty-six hundred seven and thirty-six hundred fifteen providing a mechanism for annual state aid to certified home health agencies and supplemental to the rate structure, to meet state and regional home health community services need.

The legislature finds that the changes in the state's aging demographics, the rising public and medical care system demand for in-home care, the increasingly complex medical conditions dependent upon such care, and the associated delivery costs of such services, necessitates the updating and commensurate funding of the section thirty-six hundred fifteen state aid mechanism to ensure its intended purpose. Accordingly, the legislature seeks the amendments provided for in this act to address home health community need, with targeted assistance to underserved areas and populations, home health nursing and related staffing, and requisite technology-supports for service capability, access, and efficiency.

§ 2. Section 3615 of the public health law, as amended by chapter 884 of the laws of 1990, subdivision 10 as amended by section 30 of part A of chapter 58 of the laws of 2010, is amended to read as follows:

§ 3615. State aid to certified home health agencies. 1. State aid shall be provided to certified home health agencies to assist in developing and ensuring their capacity to meet community need. Funds for such aid shall be made available each year in [~~an amount equal to twenty-five~~

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

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~~cents per capita of the population within each health systems agency region, as established pursuant to article twenty-nine of this chapter, or two hundred thousand dollars, whichever is greater. Two million five hundred thousand dollars shall be for the state's share of payments provided pursuant to subdivision five of section thirty-six hundred fourteen of this article. The remaining amount shall be for purposes of providing grants pursuant to this section and sections thirty-six hundred seven and thirty-six hundred nine of this article~~] the amount of seventy million dollars (state and federal shares) or in amounts as are appropriated and made available therefor, and distributed to agencies in the form of increased medical assistance rates and/or direct payments grants to such agencies, as best maximizes an agency's ability to receive and utilize funds for the purposes under this section, and as maximizes, where applicable, federal medical assistance participation.

2. [~~For the purpose funding grants pursuant to sections thirty-six hundred seven and thirty-six hundred nine of this article and grants pursuant to this section, the commissioner shall allocate the proportion of funds among the health systems agency regions using the last preceding federal census or other census data approved by the comptroller~~] The commissioner shall annually allocate funds for the purposes of supporting and/or expanding access to certified home health care agency services, including but not limited to:

a. as provided for in paragraphs a, b, c, d, e, and f of subdivision one of section thirty-six hundred seven of this article;

b. for services for high-cost or high-need populations, populations in remote or underserved regions, diverse and underserved populations, or populations with special care needs;

c. for development of recruitment, specialized training, and retention initiatives for home health nurses, therapists, social workers and aide personnel, including but not limited to clinical preceptorship support, tuition assistance, transportation assistance, childcare support, employee assistance programs such as peer mentoring programs, mental health counseling, and worker safety; and

d. the acquisition and implementation of technology to support the delivery and/or efficiency of services.

3. Such annual funds allocated [~~to each health systems agency region~~] shall be made available [~~for grants~~] pursuant to subdivision one of this section to applicants within each [~~such~~] region [~~which are determined eligible and approved by the commissioner~~] of the state pursuant to the provisions of this section [~~and sections thirty-six hundred seven and thirty-six hundred nine of this article~~].

4. In order to be considered eligible for receipt of [~~a grant~~] funds pursuant to this section, a certified home health agency shall submit an application to the department. Such application shall demonstrate, to the satisfaction of the commissioner, that the agency:

(a) received a certificate of approval pursuant to the provisions of section thirty-six hundred eight of this article at least two years prior to the date of the application and that such certificate has not been revoked or annulled subsequent to its receipt and is not limited as of the time of application;

(b) shall utilize [~~grant~~] such funds [~~to provide home care services to persons whose residence is in an area which, due to location, is more costly to serve, or persons whose conditions require a more intensive level of home care than typically provided in a visit~~] to sustain or increase home health care services for the purposes specified in subdivision two of this section;

(c) [~~shall undertake reasonable efforts to maintain financial support from public and community contributed funding sources;~~

~~(d)~~] shall [~~make every reasonable effort to collect payments for services from third party insurance payers, governmental payers and self-paying patients~~] **demonstrate a service commitment to the underserved or hard to serve areas for which funds would be applied**; **and**

[~~(e)~~] **(d)** shall have professional assistance available on a seven day per week, twenty-four hour per day basis[~~;~~

~~(f) shall establish a reasonable relationship between costs and charges, or establish charges at approximate cost; and~~

~~(g) has no other available financial resources to serve the populations as identified in paragraph (b) of this subdivision~~].

5. [~~For the purpose of this section and sections thirty-six hundred seven and thirty-six hundred nine of this article, a grant applicant shall submit a copy of its application to the health systems agency in whose region the applicant is located.~~

~~6.~~] For the purpose of this section [~~and sections thirty-six hundred seven and thirty-six hundred nine of this article, each health systems agency shall convene an advisory group with representatives from, but not limited to, local departments of health, including those organized and unorganized as county and part-county health districts, social services districts, offices for the aging, certified home health agencies, and consumers of home health agency services. Such advisory group, after considering recommendations from persons involved in or knowledgeable about home care services delivered in that region, shall, consistent with state and regional health plans, identify priority regional and local needs for the purposes identified in this section and sections thirty-six hundred seven and thirty-six hundred nine of this article. The health systems agency shall provide to the commissioner the recommendations of the advisory group regarding which grant applications meet regional and local needs, as well as the advisory group's prioritization of applications.~~

~~7. For the purposes of this section and sections thirty-six hundred seven and thirty-six hundred nine of this article,~~] the commissioner shall approve applications for [~~grants~~] **funds** which meet the requirements of this section pursuant to which the application is submitted and rules and regulations**, or guidelines of the department,** adopted pursuant thereto. [~~In approving such applications, the commissioner shall take into prime consideration the recommendations of the advisory group convened by the health systems agency in whose region the applicants are located and also take into consideration other applications submitted by the same applicant for grants submitted pursuant to such sections. The commissioner shall notify each advisory group and each applicant in writing of his approval or disapproval and, if disapproval, shall state the reasons for disapproval.~~

~~8. Grants~~] **6. Funds** approved for the purposes of this section [~~may~~] **shall** be made **available for distribution** each year [~~for up to a two-year period or until the costs for such services provided by virtue of receipt of the grant are included in rates of payment, whichever is sooner~~]. Certified home health agencies which receive [~~grants~~] **funds** pursuant to this section may reapply for [~~grants~~] **funds** and may be approved if the applicant satisfies the requirements of subdivision four of this section and rules and regulations**, or guidelines of the department,** adopted pursuant to this section.

[~~9.~~] **7.** In the event that a public certified home health agency is approved for [~~a grant~~] **funds**, pursuant to this section, funds [~~provided~~

~~under the grant~~] shall not reduce the amount of aid otherwise reimbursable to such agency pursuant to article six of this chapter.

[~~10.~~] **8.** The commissioner is authorized to promulgate such rules and regulations, **or guidelines of the department,** as are necessary to carry out the provisions of this section. Such rules and regulations**, or guidelines of the department,** may include, but not be limited to, minimum and maximum [~~grant~~] **funding** levels **provided to individual agencies under this section**.

[~~11.~~] **9.** Recipients of [~~grants~~] **funds** shall submit to the commissioner reports on the use of [~~grants~~] **funds** provided under this section at such times and in such format as the commissioner may prescribe.

§ 3. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided however, that the amendments to section 3615 of the public health law made by section two of this act shall not affect the expiration of such section and shall expire therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.