

STATE OF NEW YORK

7705

2025-2026 Regular Sessions

IN SENATE

April 30, 2025

Introduced by Sen. C. RYAN -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

19 40. For enrollees covered by Medicaid as of January first, two thou-
20 sand twenty-six under a payment rate methodology agreement negotiated
21 with a licensed home care services provider, including but not limited
22 to services provided through licensed home care services agencies,
23 payments for all hourly home care services provided through private duty
24 nursing, including but not limited to nursing services, provided to
25 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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1 izations operating in accordance with the provisions of article forty-
2 four of the public health law or by health maintenance organizations
3 organized and operating in accordance with article forty-three of the
4 insurance law shall, at a minimum, be the rates of payment that would be
5 paid for such patients pursuant to subdivision eleven of section thir-
6 ty-six hundred fourteen of the public health law.

7 § 3. Effective July 1, 2026, payments for private duty nursing
8 services shall be no less than eighty percent of the appropriate
9 CHAMPUS/TRICARE maximum allowable charge based on the New York locality.
10 For purposes of implementation, the appropriate CHAMPUS/TRICARE maximum
11 allowable charge shall be the CHAMPUS/TRICARE maximum allowable charge
12 in effect as of April 1 of the state fiscal year in which the services
13 are rendered. The department of health shall publish a private duty rate
14 schedule at least thirty days prior to the effective date of such
15 increase and annually thereafter.

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