

STATE OF NEW YORK

10375

IN ASSEMBLY

March 3, 2026

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

AN ACT to amend the social services law, in relation to authorizing Medicaid coverage for family caregiver services for children with intellectual or developmental disabilities; and directing the commissioner of health to submit an application for amendments and waivers to add family caregivers to state Medicaid coverage

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

1 Section 1. The social services law is amended by adding a new section
2 365-q to read as follows:

3 § 365-q. Family caregiver services program for persons with intellec-
4 tual or developmental disabilities. 1. As used in this section:

5 (a) "Eligible person" means an individual who:

6 (i) has been determined by the office for people with developmental
7 disabilities to have an intellectual or developmental disability as
8 defined in section 1.03 of the mental hygiene law;

9 (ii) resides at home with their family and participates in, or is
10 eligible for, a self-direction or comparable home- and community-based
11 services program administered by the office for people with develop-
12 mental disabilities and the department; and

13 (iii) requires assistance with activities of daily living, instru-
14 mental activities of daily living, or other supports that exceed the
15 type, frequency, or intensity of support ordinarily provided by a
16 parent, legal guardian, or household member.

17 (b) "Family caregiver" means a parent, legal guardian, or other family
18 member who is legally responsible for, an eligible person with an intel-
19 lectual or developmental disability and who provides care to such person
20 in the home.

21 2. (a) No later than one year after the effective date of this section
22 and receipt of federal approval for the program established pursuant to
23 this section, the department, in consultation with the office for people
24 with developmental disabilities, shall establish a program under which a
25 family caregiver of an eligible person may be certified to provide fami-

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

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1 ly caregiver services under Medicaid and be reimbursed for such
2 services.

3 (b) Such services shall include assistance with activities of daily
4 living, instrumental activities of daily living, and other tasks author-
5 ized under the eligible person's person-centered plan of care, provided
6 such tasks substitute for services that would otherwise be performed by
7 paid direct support staff or personal care workers under the Medicaid
8 program.

9 (c) The department shall establish training, testing, and competency
10 requirements for certification as a family caregiver that are comparable
11 to the requirements applicable to personal care assistants or direct
12 support professionals under state law and regulation. Training may be
13 provided by designated home care or self-direction providers, who shall
14 be adequately reimbursed by the department for the cost of such train-
15 ing.

16 (d) An eligible family caregiver who becomes certified pursuant to
17 this section shall be employed through an approved fiscal intermediary
18 or self-direction provider agency participating in the Medicaid program.

19 3. (a) Family caregiver services shall be reimbursed at rates estab-
20 lished by the department consistent with reimbursement for comparable
21 self-direction or personal care services, provided that no less than
22 sixty-five percent of such reimbursement shall be passed through to the
23 certified family caregiver. The department shall ensure that a person's
24 self-direction budget or comparable home- and community-based budget
25 shall not be increased for the purpose of enabling payment to a parent,
26 legal guardian, or other family caregiver pursuant to this section, and
27 all services must be provided within the individual's existing approved
28 budget.

29 (b) No family caregiver shall be paid for more than fifty hours per
30 week. Nothing in this paragraph shall restrict unpaid services provided
31 as part of the family caregiver's familial or household responsibil-
32 ities.

33 (c) Plans of care shall be reviewed and recertified at least once
34 every one hundred eighty calendar days. Supervisory visits shall occur
35 regularly to ensure that all tasks are completed in accordance with the
36 member's plan of care.

37 4. The department shall require the use of electronic visit verifica-
38 tion or equivalent documentation in accordance with federal law for all
39 services provided pursuant to this section.

40 5. No later than three years after the date the program is established
41 pursuant to this section, and every two years thereafter, the depart-
42 ment, in consultation with the office for people with developmental
43 disabilities, shall submit a report to the governor and the legislature
44 and make such report publicly available on the department's website.
45 Such report shall include, but not be limited to:

46 (a) the number of eligible persons participating in the program;

47 (b) the number of certified family caregivers providing services;

48 (c) the number of hours of care provided; and

49 (d) an analysis of the program's impact on hospitalization, emergency
50 room utilization, and family financial stability.

51 § 2. The commissioner of health is directed to apply for such state
52 Medicaid plan amendments or waivers as may be necessary to implement the
53 provisions of this act and include family caregivers as a covered
54 service under the state Medicaid plan, and to secure federal financial
55 participation for state Medicaid expenditures for family caregivers
56 under the federal Medicaid program.

1 § 3. This act shall take effect immediately; provided that section one
2 of this act shall take effect upon receipt by the commissioner of health
3 of approval from the federal Centers for Medicare & Medicaid Services to
4 include family caregivers as a covered service under the state Medicaid
5 plan. The commissioner of health shall notify the legislative bill
6 drafting commission upon the occurrence of the receipt of such approval
7 in order that the commission may maintain an accurate and timely effec-
8 tive data base of the official text of the laws of the state of New York
9 in furtherance of effectuating the provisions of section 44 of the
10 legislative law and section 70-b of the public officers law.