

# STATE OF NEW YORK

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1493--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

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Introduced by M. of A. PAULIN, LEVENBERG, STECK, GRAY, McDONALD -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

22 § 3615. State aid to certified home health agencies. 1. State aid  
23 shall be provided to certified home health agencies to assist in devel-

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

LBD01893-05-5

1 oping and ensuring their capacity to meet community need. Funds for such  
 2 aid shall be made available each year in [~~an amount equal to twenty five~~  
 3 ~~cents per capita of the population within each health systems agency~~  
 4 ~~region, as established pursuant to article twenty nine of this chapter,~~  
 5 ~~or two hundred thousand dollars, whichever is greater. Two million five~~  
 6 ~~hundred thousand dollars shall be for the state's share of payments~~  
 7 ~~provided pursuant to subdivision five of section thirty six hundred~~  
 8 ~~fourteen of this article. The remaining amount shall be for purposes of~~  
 9 ~~providing grants pursuant to this section and sections thirty six~~  
 10 ~~hundred seven and thirty six hundred nine of this article] amounts as  
 11 may be appropriated and made available therefor, and distributed to  
 12 agencies in the form of increased medical assistance rates and/or direct  
 13 payments or grants to such agencies, as best maximizes an agency's abil-  
 14 ity to receive and utilize funds for the purposes under this section,  
 15 and as maximizes, where applicable, federal medical assistance partic-  
 16 ipation.~~

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

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

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

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

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

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

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

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

53 (b) shall utilize [~~grant~~] such funds [~~to provide home care services to~~  
 54 ~~persons whose residence is in an area which, due to location, is more~~  
 55 ~~costly to serve, or persons whose conditions require a more intensive~~  
 56 ~~level of home care than typically provided in a visit] to sustain or~~

1 increase home health care services for the purposes specified in subdivi-  
2 vision two of this section;

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

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

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

11 ~~(f) shall establish a reasonable relationship between costs and charg-~~  
12 ~~es, or establish charges at approximate cost, and~~

13 ~~(g) has no other available financial resources to serve the popu-~~  
14 ~~lations as identified in paragraph (b) of this subdivision].~~

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

19 ~~6.] For the purpose of this section [and sections thirty-six hundred~~  
20 ~~seven and thirty six hundred nine of this article, each health systems~~  
21 ~~agency shall convene an advisory group with representatives from, but~~  
22 ~~not limited to, local departments of health, including those organized~~  
23 ~~and unorganized as county and part county health districts, social~~  
24 ~~services districts, offices for the aging, certified home health agen-~~  
25 ~~cies, and consumers of home health agency services. Such advisory group,~~  
26 ~~after considering recommendations from persons involved in or knowledge-~~  
27 ~~able about home care services delivered in that region, shall, consist-~~  
28 ~~ent with state and regional health plans, identify priority regional and~~  
29 ~~local needs for the purposes identified in this section and sections~~  
30 ~~thirty-six hundred seven and thirty six hundred nine of this article.~~  
31 ~~The health systems agency shall provide to the commissioner the recom-~~  
32 ~~mendations of the advisory group regarding which grant applications meet~~  
33 ~~regional and local needs, as well as the advisory group's prioritization~~  
34 ~~of applications.~~

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

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

1     ~~[9.]~~ 7. In the event that a public certified home health agency is  
2 approved for ~~[a grant]~~ funds, pursuant to this section, funds ~~[provided~~  
3 ~~under the grant]~~ shall not reduce the amount of aid otherwise reimbursable  
4 to such agency pursuant to article six of this chapter.

5     ~~[10.]~~ 8. The commissioner is authorized to promulgate such rules and  
6 regulations, or guidelines of the department, as are necessary to carry  
7 out the provisions of this section. Such rules and regulations, or  
8 guidelines of the department, may include, but not be limited to, minimum  
9 and maximum ~~[grant]~~ funding levels provided to individual agencies  
10 under this section.

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

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