STATE OF NEW YORK

4162--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

Introduced by M. of A. PAULIN -- 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 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

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

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patients eligible for medical assistance under this title made by organizations 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 eleven of section thirty-six hundred fourteen of the public health law.

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

§ 4. 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.