

# STATE OF NEW YORK

4162--B

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 -- again reported from said committee with amendments, 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:

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 October 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 41 to read as follows:

19 41. For enrollees covered by Medicaid as of October 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,

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

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1 payments for all hourly home care services provided through private duty  
2 nursing, including but not limited to nursing services, provided to  
3 patients eligible for medical assistance under this title made by organ-  
4 izations operating in accordance with the provisions of article forty-  
5 four of the public health law or by health maintenance organizations  
6 organized and operating in accordance with article forty-three of the  
7 insurance law shall, at a minimum, be the rates of payment that would be  
8 paid for such patients pursuant to subdivision eleven of section thir-  
9 ty-six hundred fourteen of the public health law.

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

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22 shall be deemed repealed therewith.