

RMS End of Session Health Update

June 30, 2017

The New York State Legislature finished the 2017 Legislative Session in the late evening of June 21, 2017. Despite leaving Albany as planned, on the last scheduled day of session, there were a number of issues that the Legislature did not reach agreement, prompting Governor Cuomo to call them back to an extraordinary session on June 28, 2017. The Assembly passed an omnibus bill in the early morning hours of June 29th which was then passed by the Senate later that afternoon, officially bringing an end to the 2017 legislative session.

Final agreements that were reached prior to the end of the Legislative Session include:

- Legislation that addresses the problem of child marriage, raising the legal age at which an individual can marry to 17
- A “Buy American” program to require the use of American-made materials for all road and bridge projects
- A group of initiatives meant to curb the use of electronic cigarettes; notably the expansion of the Clean Indoor Air Act to include e-cigs and vaping
- \$90 million for flood relief on the shores of Lake Ontario
- Legislation that would provide insurance coverage for cancers developed by volunteer firefighters during the course of their duty
- Expanded use of medical marijuana for those who suffer from post-traumatic stress disorder
- Prohibiting the use of elephants in entertainment acts
- Two year extender of mayoral control of the New York City public school system
- Three year extender of sales taxes in more than 50 New York State counties
- Naming the new Tappan Zee Bridge after former Governor Mario Cuomo

Several thousand bills were introduced during the 2017 session and just over 600 were passed by both houses of the Legislature. Provided below is a sector by sector health update of all bills passed by the Senate and Assembly. Most have not yet been transmitted to the Governor for consideration, however each bill’s status is noted. To view the text or sponsor’s memo for any of the following legislation, you can use the following link: <http://assembly.state.ny.us/leg/>

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Multiple Sectors

Prohibits Marriage of Minors under age Seventeen S4407-B, Lanza / A5524-B, Paulin

This legislation would prohibit marriage of minors under the age of seventeen and, for those aged seventeen who seek a marriage license, provide a court approval process with the goal of providing adequate protections against potential abuse from a situation where marriage might be forced on the minor. The court approval procedure includes the appointment of an attorney for the child, a reading of the child's rights in relation to such marriage, a recorded interview with the individual child, and granting of all the rights of an adult.

This bill was signed into law by the Governor on June 20, 2017, Chapter 35 of the laws of 2017.

Reporting Requirements by DOH S5671-A, Hannon / A7747-A, Gottfried

This legislation would repeal or modify the frequency of numerous reporting requirements currently required by DOH when the reports are outdated or obsolete.

This bill passed both houses. It has not yet been transmitted to the Governor.

Health Care Services for County Jail Inmates S5409-A, Gallivan / A7985-A, Blake

This legislation would allow the county board of supervisors to procure the services of a professional partnership, a professional service corporation, a professional service limited liability company or a registered limited liability company for the purpose of providing health services to county jail inmates. Such entity shall be designated by the board to act as the chief medical officer of the jail.

This bill passed both houses. It has not yet been transmitted to the Governor.

Establishes the Rural Health Council in Statute S4741, Hannon / A7203, Jones

The purpose of this bill is to amend the public health law to create a statutory Rural Health Council within the Department of Health to advise the Commissioner on all aspects of rural health care.

This bill passed both houses. It has not yet been transmitted to the Governor.

Hospital/Healthcare Facilities

Certificates of Public Advantage S5342, Hannon/ A7748, Gottfried (DOH Departmental Bill #25)

This legislation extends the authority of the Commissioner of DOH to issue certificates of public advantage (COPAs) to health care providers to engage in arrangements such as mergers and clinical integration agreements to promote improvements in access and quality of care, by four years to December 31, 2020.

This bill was signed into law by the Governor on June 29, 2017, Chapter 80 of the laws of 2017.

Enhanced Safety Net Hospital Program S5661-B, Little/A7763, Gottfried

The legislation establishes an enhanced safety net hospital program. The definition of "enhanced safety net hospital" is based on ratios of patients served who are either enrolled in Medicaid or uninsured, as well as public hospitals, State University hospitals, and federally designated sole community and critical access hospitals. Effective April 1, 2018 The Commissioner of Health would adjust Medicaid rates for enhanced safety net hospitals to support critically needed health care services and continued operation of such hospitals. The state share of the Medicaid adjustment would not include a local share.

This bill passed both houses. It has not yet been transmitted to the Governor.

Guidelines for Reporting Elder Abuse in Healthcare Settings S6676, Serino / A8258-A, Lupardo

This legislation directs the Office for the Aging in conjunction with DOH and OCFS to develop guidelines to assist healthcare providers to identify self-neglect, abuse and maltreatment of individuals aged 60 years or older.

This bill passed both houses. It has not yet been transmitted to the Governor.

Provider/Consumer Health Care Protections S6454, Hannon / A8061, Gottfried

This legislation extends for two years provisions to ensure that if a contract between a health plan and a hospital is not renewed or is terminated by either party, the parties shall continue to abide by the terms of the contract, including reimbursement terms, for a period of 2 months from the termination or end of the contract period.

Notice must be provided to enrollees within 15 days of the commencement of the two-month period. The requirements do not apply where both parties agree to the termination or non-renewal and the health plan provides notice to the insured at least 30 days in advance of the date of the contract termination.

This bill was signed into law by the Governor on June 29, 2017, Chapter 82 of the laws of 2017.

Medicaid Carve-Out of School-Based Health Centers S6012, Seward / A7866, Gottfried

This legislation would permit a School-Based Health Center (SBHC) to opt out of the Medicaid Managed Care Carve-In. Under the current law, all SBHCs would be required to become part of the Medicaid Managed Care program on July 1, 2018. The bill would require that DOH develop a standard memorandum of understanding with sponsoring organizations of SBHCs to provide for the delivery of coordinated health care and participation in quality improvement programs.

This bill passed both houses. It has not yet been transmitted to the Governor.

Long Term Care

Interagency Council for Coordinated Planning Relating to Older Adults S2847, Parker /A6976, Barron

This bill would require the creation of an interagency council comprised of the Office for the Aging, Department of Health, Office of Mental Health, Office of Alcoholism and Substance Abuse Services, Office of Temporary and Disability Assistance, Office for Persons with Developmental Disabilities, Division of Housing and Community Renewal, Department of Labor, Department of Financial Services, Department of Transportation, and the Office of Children and Family Services.

The interagency council would develop a state plan on aging to plan for the current and future needs of older adults. The plan would focus on several areas including, but not limited to, health services, community-based services, housing, workforce issues, kincare, and mental health and substance abuse services.

This bill passed both houses. It has not yet been transmitted to the Governor.

Crime Reports in Enriched Housing Programs S787-A, Alcantara /A2702 Gottfried

This legislation would include Enriched Housing Programs among the adult care facilities that are required to:

- report any death or attempted suicide of a resident to DOH within 24 hours;
- report deaths, attempted suicides and felonies involving residents who at any time received mental hygiene services to the Justice Center for the Protection of People with Special Needs; and
- report felonies believed to have been committed against residents to law enforcement authorities.

The bill also provides that the reporting of felonies to law enforcement must be made as soon as possible but in any event within 24 hours.

This bill passed both houses. It has not yet been transmitted to the Governor.

Requires Hospice Programs to Comply with Home Care Worker Registry Requirements S6347, Hannon / A7846, Gottfried

This legislation updates the requirements for hospice programs to comply with home care worker registry requirements. Hospice programs under PHL Article 40 are required to perform criminal background checks of their employees in compliance with the home care services worker registry. However, unlike other health care providers who work in patients' homes, hospice is not allowed to provisionally employ a worker while the background check is pending, which is causing unnecessary delays in delivering this vital service at the end of life when time is truly of the essence.

This bill passed both houses. It has not yet been transmitted to the Governor.

Expanded Payment for Reserve Bed Days in Healthcare Facilities S6559, Hannon / A8338, Gottfried

This legislation would restore long standing provisions of law which provide that nursing homes shall be paid for “reserve bed days” and hold a resident’s bed if they are hospitalized for up to 14 days in a given year. Removes the original cut of \$18 million associated with the elimination of reserve bed day reimbursement.

This bill passed both houses. It has not yet been transmitted to the Governor.

Increases the Percentage of “Swing Beds” in a Hospice Residence S6364, Hannon / A7775-A, Gottfried

This legislation increases from 25% to 50% the number of “swing beds” that a Hospice Residence can have. Swing beds provide for a higher level of care to patients who would otherwise require hospitalization.

This bill passed both houses. It has not yet been transmitted to the Governor

Gottfried Extension of Long-Term Care Related Statutes S6153, Hannon / A7746

This bill would extend several priority statutes pertaining to: (1) Medicare maximization for home care and nursing homes; (2) utilization thresholds for Medicaid; (3) approval of and reimbursement to Limited Home Care Services Agencies that serve individuals who are residents of adult homes and enriched housing programs; and (4) the provision of respite support by adult homes, residences for adults and enriched housing programs to non-residents for up to 120 days.

This bill was signed into law by the Governor on June 29, 2017, Chapter 49 of the laws of 2017.

Changes to Fiscal Intermediaries to be authorized by DOH S5544, Hannon / A7216, Gottfried

As part of the adopted health and mental hygiene article VII budget bill (S2007-B/A3007-B) a provision requiring fiscal intermediaries under the consumer directed personal assistance program to become authorized by DOH was adopted. However, the effective date included in each of the legislative one-house budget bills was inadvertently left out of the final adopted bill

(S2007-B/A3007-B). This legislation clarifies that the new provision should take effect January 1, 2018 and that entities operating as fiscal intermediaries prior to April 1, 2017 will have a year to become authorized as fiscal intermediaries.

This bill passed both houses. It has not yet been transmitted to the Governor.

Nurse-Family Partnership Program (NFP) S6656, Hannon / A8388 Gottfried

This legislation clarifies that the Nurse-Family Partnership Program is not subject to regulation under Article 36 of the Public Health Law which governs regulation of home care programs. The NFP is a voluntary nurse home visiting program for at-risk, first-time mothers. The services that they provide do not constitute the kind of services nor meet the needs applicable to Article 36 providers.

This bill passed both houses. It has not yet been transmitted to the Governor.

Provisions for Home Care in Emergency Management Plans S5016-A, Lanza / A6549-A, Cusick

Gives authorization to home health care and hospice organizations to add input for a county's comprehensive emergency management plan and provides that each county and each city with a population of one million or more to revise their plans if needed to comply with the provisions of this act. All plans should be submitted to the Division of Homeland Security and Emergency Services.

This bill passed both houses. It has not yet been transmitted to the Governor.

Physician/Health Care Professionals

Report on Nurse Practitioners S3567-B, Hannon / A834-B, Gunther

This legislation directs the President of the State Civil Service Commission to study and public a report on the job title of nurse practitioner including current job description, current civil service grade level, the identification of a career ladder in line with other professionals and its impact on retention, and recognition of board certification. Through the report the President shall determine if there is a need to make changes to the nurse practitioner title based on the report, which shall be provided to the Legislature and Governor's office by July 1, 2018.

This bill passed both houses. It has not yet been transmitted to the Governor.

Nurse Practitioner DNRs S1869-A, Hannon/ A7277-A, Gottfried

This legislation authorizes "attending nurse practitioners" to execute an order not to resuscitate (DNR), as well as orders pertaining to life sustaining treatments. Currently, only attending physicians may do so.

This bill passed both houses. It has not yet been transmitted to the Governor.

Medical Malpractice S6800, DeFrancisco / A8516 Weinstein

This legislation would change the statute of limitations for medical, dental, and podiatric malpractice from two and half years to the later of either: 1) two and a half years from the date an injured patient discovers or should have discovered the negligent failure to diagnose cancer or a malignant tumor; or 2) the date of the last treatment where there is continuous treatment for the same illness, injury or condition which gave rise to the accrual of an action. Where an action is based upon the discovery of a foreign object in the body, the action may be commenced within one year of the date of discovery or of the date of discovery of facts which would reasonably lead to such discovery. The bill prohibits a malpractice action from being filed more than seven years after the date of the alleged malpractice.

This bill passed both houses. It has not yet been transmitted to the Governor.

Care by Physical Therapist Assistants in Workers Comp S3762-B, Griffo / A2859-B, Zebrowski

This legislation permits physical therapist assistants to provide treatment under the workers' compensation program if such treatment is authorized by a physician and under the supervision of a certified physical therapist. Under the bill, physical therapists must also co-sign physical therapist assistant treatment notes.

This bill passed both houses. It has not yet been transmitted to the Governor.

Authorizes the delivery of telehealth services at any elementary or secondary school S3293, Hannon / A4703, Jenne

This legislation expands the meaning of originating site to include public, private and charter elementary and secondary schools, school age child care programs, and child day care centers within the state of New York. This will allow primary care providers to use telehealth to connect with and provide care to young children while they are at school or a child care center. This amendment supports existing models of telemedicine, which connects the patient to his/her primary care medical home or provider.

This bill passed both houses. It has not yet been transmitted to the Governor.

World Triathlon Corporation Events S2607, Little / A2802, Stec

This legislation would allow any health care professional licensed in another state or territory, and who has been appointed by the World Triathlon Corporation to provide professional services to competitors at the Ironman triathlon to be held on July 23, 2017 and Ironman 70.3 to be held on September 10, 2017 in New York State. The act shall take effect immediately and shall expire and be deemed repealed September 12, 2017.

This bill passed both houses. It has not yet been transmitted to the Governor.

New York Road Runners Event S4811, Serrano / A5287, Glick

This legislation authorizes health care professionals licensed to practice in other jurisdictions to practice in New York in connection with an event sanctioned by the New York Road Runners.

This bill was signed into law by the Governor on May 22, 2017, Chapter 29 of the laws of 2017.

Practitioners Registered to Certify Patients for Medical Marijuana Use S5627, Savino / A2882, Peoples-Stokes

This legislation relates to the disclosure of the list of practitioners registered to certify patients for the use of medical marijuana. This list of practitioners is provided on DOH's website. This legislation provides a mechanism for a practitioner to remove their name from the list and prevent their information from being disclosed on such list.

This bill passed both houses. It has not yet been transmitted to the Governor.

Pharmacy/ Pharmaceuticals

90-Day Refills S5171-B, Felder / A6371-B, Simanowitz

This legislation authorizes pharmacists to issue refills for non-controlled substances of up to a 90-day supply, after the initial prescription is filled, unless the prescriber has indicated that the initial quantity shall not be changed and as long as the patient's health plan will cover the larger quantity without additional co-insurance or other out of pocket expense. The pharmacist shall notify the prescriber of such refill change within 48 hours.

This bill passed both houses. It has not yet been transmitted to the Governor.

Expanded Drug Disposal Options for Unused Controlled Substances S6750, Hannon / A387-B, Gunther

This legislation requires pharmacies with ten or more stores in a chain to provide drug disposal options to customers for unused controlled substances, in accordance with federal DEA regulations.

This bill passed both houses. It has not yet been transmitted to the Governor.

Ensures coverage of not-for-profit pharmacies operated by an institution of higher education S6689, Amedore / A7922-A, Steck

This legislation requires that any insurance policy issued by a Medicaid Managed Care provider that provides coverage for prescription drugs shall include in its pharmacy network any pharmacy that is not for profit, operated by an institution of higher education, is located in a postal zip code in which the Managed Care provider has enrollees, and that primarily serves low income, or a medically underserved population. This legislation ensures that two such not-for-profit pharmacies located in Albany and Schenectady will be able to receive payments for all

patients covered by any Medicaid Managed Care provider, enabling them to continue providing care to their respective local, medically underserved communities.

This bill passed both houses. It has not yet been transmitted to the Governor.

Substitution of Interchangeable Biological Products S4788-A, Hannon / A7509-A, Gottfried

This legislation requires pharmacist to automatically substitute biological products with FDA-approved interchangeable biological products. Includes notification requirements to patient's prescriber when substitutions take place.

This bill passed both houses. It has not yet been transmitted to the Governor.

Public Health

Prohibits possession of e-cigarettes on school grounds S750, Ritchie / A611, Rosenthal

This legislation prohibits the use of an electronic cigarette on school grounds.

This bill passed both houses. It has not yet been transmitted to the Governor.

Briana's Law S3165-B, Hamilton / A2115-B, Ortiz

This legislation would require officers of the New York State Police and the New York City Police Department to complete training cardiopulmonary resuscitation during the police academy and every two years thereafter.

This bill passed both houses. It has not yet been transmitted to the Governor.

Allows individuals/entities to purchase and operate external defibrillators S5718, Hannon / A7532, Gottfried

This legislation would clarify that any health care practitioner who has the necessary experience, prescribing authority, and scope of practice, may enter into a collaborative agreement with a person or entity seeking to possess and/or operate an automated external defibrillator. This bill expands the ability to enter such an agreement to include physician assistants and nurse practitioners with the goal of increasing access to defibrillators while maintaining safety standards.

This bill passed both houses. It has not yet been transmitted to the Governor.

Authorizes schools to screen for childhood obesity S2724-B, Klein / A5151-B, Crespo

This legislation would integrate information relating to health conditions caused by obesity into school curriculum with the goal of reducing childhood obesity. Through the formation of school district advisory committees, schools will have guidance on nutritional policies which will promote healthier lifestyles and weight management in students.

This bill passed both houses. It has not yet been transmitted to the Governor.

Includes information on pediatric acute-onset neuropsychiatric syndrome in the health care and wellness education and outreach program S5750, Little / A7614, Jones

This legislation would include information on pediatric acute-onset neuropsychiatric syndrome (PANS) in the health care and wellness education program while creating an advisory council that shall include representatives of people with PANS, their families and their health care providers who specialize in treating such syndrome with the goal of increasing early detection.

This bill passed both houses. It has not yet been transmitted to the Governor.

Requires certain reporting when a person dies unexpectedly due to epilepsy S2422, Griffo / A2380, Brindisi

This legislation would require that in the event of a sudden, unexpected death due to epilepsy, the determination shall be noted on the deceased's death certificate and reported to the SUDEP (Sudden unexpected death in epilepsy) registry. The Institute of Medicine believes that sudden death in epilepsy is underreported, contributing to the lack of understanding of this fatal occurrence. This bill seeks to increase the reporting of deaths caused by this disorder and will raise awareness and understanding of epilepsy related mortality.

This bill passed both houses. It has not yet been transmitted to the Governor.

Registration of Electronic Cigarette Retailers S2542-A, Hannon/ A4377-A, Rosenthal

This legislation requires retailers of electronic cigarettes or liquid nicotine, which are not otherwise registered with the Department of Taxation & Finance to sell tobacco products, to register with the Department of Taxation & Finance.

This bill passed both houses. It has not yet been transmitted to the Governor.

E-Cigarette Restrictions in Workplaces S2543-A, Hannon/ A516-A, Rosenthal

This legislation includes electronic cigarettes (vaping) in the state's Clean Indoor Air Act to prohibit their use in all workplaces and public places and certain outdoor areas.

This bill passed both houses. It has not yet been transmitted to the Governor.

Maternal Depression Treatment S4000, Krueger/ A8308, Richardson

This legislation requires the Commissioner of DOH and Commissioner of the Office of Mental Health (OMH) to create a statewide list of mental health professionals and other licensed providers and community resources that offer treatment and support for maternal depression. Also it requires the DOH Commissioner, within existing appropriations, to ensure adequate investment in treatment resources for material depression including a statewide hotline, peer support, adequate referral networks and telehealth/telemedicine services.

This bill passed both houses. It has not yet been transmitted to the Governor.

Leave for Cancer Screening S5925, Hannon/ A2830-B, Dinowitz

This legislation expands excused leave for public officers and public employees for any type of cancer screenings. Existing law provides for such leave for breast cancer only.

This bill passed both houses. It has not yet been transmitted to the Governor.

Medical Marijuana Use S5629, Savino / A7006, Gottfried

This legislation would make “post-traumatic stress disorder” an eligible condition under the state medical marijuana law to ensure that those suffering from such condition are able to use medical marijuana for treatment.

This bill passed both houses. It has not yet been transmitted to the Governor.

Grants the Transplant Council Authority to Make Recommendations S2495, Hannon / A5123, Gottfried

This legislation would grant the transplant council the power to make recommendations to the commissioner of health on issues relating to organ donation, procurement organizations, banks and storage.

This bill was signed into law by the Governor on May 12, 2017, Chapter 26 of the laws of 2017.

Study of High Incidence of Asthma in Manhattan S5559, Alcantara / A7214, Seawright

This legislation authorizes the Commissioner of DOH to prepare a study of the high incidence of asthma in the borough of Manhattan in New York City which will analyze disparities in asthma rates among different demographic groups. The goal of this study will be to provide a remedial plan.

This bill passed both houses. It has not yet been transmitted to the Governor.

Study of High Incidence of Asthma in Brooklyn S5770, Hamilton / A947, Simon

This legislation authorizes the Commissioner of DOH to prepare a study of the high incidence of asthma in the borough of Brooklyn in New York City which will analyze disparities in asthma rates among different demographic groups. The goal of this study will be to provide a remedial plan.

This bill passed both houses. It has not yet been transmitted to the Governor.

Study of High Incidence of Asthma in the Bronx S3103, Serrano / A703, Sepulveda

This legislation authorizes the Commissioner of DOH to prepare a study of the high incidence of asthma in the borough of the Bronx in New York City which will analyze disparities in asthma rates among different demographic groups. The goal of this study will be to provide a remedial plan.

This bill passed both houses. It has not yet been transmitted to the Governor.

Physical Education Requirements S5752, Lanza / A2597, Nolan

This legislation would require the commissioner of education to create a procedure by which school districts can report compliance with physical education instruction requirements for elementary school children at public schools. This will ensure that schools are providing children with healthy physical exercise in compliance with state regulations.

This bill passed both houses. It has not yet been transmitted to the Governor.

Crohn's and Colitis Fairness Act S3295, Hannon / A1982, Paulin

This legislation ensures that any person with Crohn's disease, ulcerative colitis, irritable bowel syndrome, or any other inflammatory bowel disease have access to any place of business or facility with a restroom.

This bill passed both houses. It has not yet been transmitted to the Governor.

Rory Staunton's Law S4971-A, Marcellino / A6053-A, Nolan

This legislation directs the Commissioner of Education to collaborate with DOH and other health organizations to establish regulations for a sepsis awareness and prevention program for school districts, boards of cooperative educational services and nonpublic schools.

This bill passed both houses. It has not yet been transmitted to the Governor.

Authorizes Use of Epinephrine Auto-Injectors S6005-A, Murphy / A7635-A, Buchwald

This legislation would expand the definition of a person or entity eligible to administer epinephrine auto-injectors to include contracted staff (such as school bus drivers). This will ensure that any employee who might encounter a child experiencing a dangerous reaction can provide this essential service.

This bill passed both houses. It has not yet been transmitted to the Governor.

Insect Repellent Use at Summer Camp S6710-A, Little / A8420, Jones

This legislation would allow children attending summer camp to use insect repellent if their parents grant permission.

This bill passed both houses. It has not yet been transmitted to the Governor.

Newborn Health and Safe Sleep Pilot Program S3867-A, Hannon / A6044-A, Simotas

This legislation would establish the "newborn health and safe sleep pilot program" within DOH to provide baby boxes in areas of the state with high infant mortality rates or poor birth outcomes. Such baby boxes shall be a safe place for infants to sleep with a firm mattress and fitted sheet and will include infant safe sleeping information for new parents.

This bill passed both houses. It has not yet been transmitted to the Governor.

Financial Reports Filed by Certain Charitable Organizations S5183, Ranzenhofer/ A7656, Dinowitz

This legislation clarifies the expiration date for certain provisions of the non-profit revitalization act of 2013. In particular, this bill specifies that the threshold for reporting by charitable organizations under subsection 2-a of section 172-B of the Executive Law for organizations that are registered or required to be registered under such section will continue at the level of \$250,000 and not revert back to the prior threshold of \$100,000.

This bill was signed into law by the Governor on June 29, 2017, Chapter 78 of the laws of 2017.

Department of Health Actions: Designated Lead Poisoning Areas S1200-A, Alcantara / A1809-A, Dinowitz

This legislation requires the Commissioner of Health to give written notice for the discontinuance of a paint condition conducive to lead poisoning in any dwelling designated by the Commissioner as high risk. In the event of failure to comply with such notice, the Commissioner is required to conduct a hearing. Under current law, the Commissioner is permitted but not required to take these actions. The bill also provides that abatement shall not be order by the Commissioner if the respondent proves by a preponderance of the evidence at a hearing that a paint condition conducive to lead poisoning in the designated dwelling does not exist.

This bill passed both houses. It has not yet been transmitted to the Governor.

Lupus Awareness License Plate S1703, Parker / A8087, Peoples-Stokes

This legislation creates the lupus awareness license plate of which the \$25 charge for such plates will be deposited to the credit of the lupus research and education fund. These funds will be used for research and education programs of such disease.

This bill passed both houses. It has not yet been transmitted to the Governor.

Sickle Cell Disease Awareness License Plate S1210-C, Ortt / A6216-B, Gunther

This legislation creates the sickle cell disease awareness license plate of which the \$25 charge for such plates will be deposited to the credit of the sickle cell disease research and education fund. These funds will be used for research and education programs of such disease.

This bill passed both houses. It has not yet been transmitted to the Governor.

Behavioral Health/ Foster Care

Training for CASACs S981, Amedore / A373, Rosenthal

This legislation requires a mandatory one-time continuing education course on medication assisted treatment by Credentialed Alcoholism and Substance Abuse Counselors (CASACs).

This was signed into law by the Governor on February 1, 2017, Chapter 2 of the Laws of 2017.

Notice for Mental Health Service Reductions S2836, Ortt/ A2229, Gunther

This legislation requires that the notice of closure for significant reductions at state operated hospitals and state operated research institutes be between twelve and thirteen months prior to commencing such service reductions.

This bill passed both houses. It has not yet been transmitted to the Governor.

Authorizes OMH to transfer custody of an inmate to an OMH facility for mental health treatment S5430, Gallivan / A7569, Weprin

This legislation would authorize inmates to be transferred from a jail to a hospital when they require physical or mental health care. While in a secure OMH facility, they would be transferred from the custody of the public safety officials to OMH, as pursuant to an agreement between the two entities. This would allow for more efficient use of law enforcement resources.

This bill passed both houses. It has not yet been transmitted to the Governor.

Kendra's Law S6726, Young / A7688, Gunther

This legislation extends the expiration of Kendra's law five years to June 30, 2022.

This bill was signed into law by the Governor on June 29, 2017, Chapter 67 of the laws of 2017.

Adolescent Suicide Prevention Advisory Council S5500-C, Alcantara / A7225-B, De La Rosa

This legislation would establish the Adolescent Suicide Prevention Advisory Council within OMH which will be responsible for facilitating the coordination of services and resources among agencies involved in suicide prevention.

This bill passed both houses. It has not yet been transmitted to the Governor.

Comprehensive Care Centers for Eating Disorders S5927, Hannon/ A7949, Ortiz

This legislation extends the time period for designations of comprehensive care centers for eating disorders from two years to every five years.

This bill passed both houses. It has not yet been transmitted to the Governor.

Foster Family Care Demonstration Programs S6081, Serino/ A8131, Lupardo

This legislation extends the Foster Family Care Demonstration Program for four years through December 31, 2021.

This bill passed both houses. It has not yet been transmitted to the Governor.

Mental Illness Anti-Stigma License Plate S1210-C, Ortt / A6216-B, Gunther

This legislation creates the mental illness anti-stigma license plate of which the \$25 charge for such plates will be deposited to the credit of the mental illness anti-stigma fund. These funds will be used as grants for organizations dedicated to eliminating the stigma attached to mental illness.

This bill passed both houses. It has not yet been transmitted to the Governor.

Developmental Disabilities/ Education

Authorizes the delivery of telehealth services at any elementary or secondary school S3293, Hannon / A4703, Jenne

This legislation expands the meaning of originating site to include public, private and charter elementary and secondary schools, school age child care programs, and child day care centers within the state of New York. This will allow primary care providers to use telehealth to connect with and provide care to young children while they are at school or a child care center. This amendment supports existing models of telemedicine, which connects the patient to his/her primary care medical home or provider.

This bill passed both houses. It has not yet been transmitted to the Governor.

Continuing Education for Teachers in Nonpublic Schools S4016, Marcellino/ A1039, Nolan

This legislation ensures that continuing education requirements apply to all holders of professional certificates in the classroom teaching service, holders of level III teach assistant certificates, and holders of profession certificates in educational leadership or service regardless of whether they are employed by a school district, BOCES or nonpublic school.

This bill passed both houses. It has not yet been transmitted to the Governor.

Study on Adoption of a Special Needs Child S4492, Golden/ A6800, Joyner

This legislation requires the Office of Children and Family Services (OCFS) to complete a report studying the impact a tax deduction can have on alleviating expenses associated with adopting a special needs child.

This bill passed both houses. It has not yet been transmitted to the Governor.

Adds Prader-Willi syndrome to the definition of developmental disability S1219, Ortt / A5974 Gunther

This legislation would add Prader-Willi syndrome to the list of disabilities under the definition of developmental disability. The hallmark of this syndrome is over-eating due to an inability of being able to determine they are full. Since it might not seem that individuals with Prader-Willi

qualify to receive services from the Office of People with Developmental Disabilities, this legislation aims to ensure that they will be able to receive those services.

This bill passed both houses. It has not yet been transmitted to the Governor.

Authorizes all schools as approved evaluators of preschool students S1694-A, Marcellino / A982-A, Nolan

This legislation would eliminate additional paperwork for school districts that provide evaluation services to preschool students with disabilities. Under this legislation, if staff who provide such evaluations have appropriate licensure or certification, they need not apply to become an approved evaluator of preschool education students. This will save time and effort in the process of applying for a waiver.

This bill passed both houses. It has not yet been transmitted to the Governor.

Establishment of Medicaid Special Needs Trusts S4779, Hannon / A6743 Barrett

This legislation would authorize a disabled individual under the age of 65 to establish a Medicaid Special Needs Trust (SNTs) without having to file a petition with a court. This bill will conform State law with a change made in federal law last year. The purpose of the law is to eliminate the presumption that all people with disabilities lack the mental capacity to create a trust for their own benefit.

This bill passed both houses. It has not yet been transmitted to the Governor.

Streamline Transition Process for Students with Disabilities S1692, Marcellino / A1036, Nolan

This legislation would streamline the process of transition planning for students with disabilities who may need additional services after aging out of an educational program. Current law requires the Committee on Special Education to provide written notice to the parent that their child is not entitled to tuition free educational services after the age of 21 or upon receipt of a high school diploma. This bill incorporates the notice with the annual review. In addition, upon consent of the parent, it allows for representatives from the Office of Mental Health or the Office of People with Disabilities to participate in the annual review meeting if it is determined that the student is likely to require adult services after the age of 18.

This bill passed both houses. It has not yet been transmitted to the Governor.

School District Information: Students with Dyslexia and Related Disorders S6581, Golden / A8262, Simon

This legislation requires the State Commissioner of Education to issue a guidance memorandum in cooperation with stakeholders and other interested parties to every school districts and BOCES to inform them of the unique educational needs of students with dyslexia, dyscalculia, and dysgraphia, and to clarify that these terms may be used in evaluations, eligibility determinations, or in developing an Individualized Education Program.

This bill passed both houses. It has not yet been transmitted to the Governor.

Complex Rehabilitation Technology (CRT) S4557-B, Ortt / A6120-B, McDonald

This legislation would establish in law a process for Medicaid patients with complex needs such as significant physical or functional impairment to qualify for Medicaid and to obtain access to CRT equipment to maintain their mobility, quality of life, and independence. CRT includes but is not limited to individually configured manual and power wheelchairs, adaptive seating and position items, and other equipment designed to meet a patient's unique needs. The bill permits the Commissioner of DOH to establish benchmark reimbursement rates to be paid by managed care organizations.

This bill passed both houses. It has not yet been transmitted to the Governor.

Early Childhood Advisory Council S972, Avella / A367, Lupardo

This legislation would clarify that the Governor appoints the members of the Early Childhood Advisory Council (ECAC). The ECAC is responsible for assessing the statewide need of for child care and early childhood education programs, identifying barriers to accessing programs, and making recommendations for increasing quality and participation.

This was signed into law by the Governor on March 15, 2017, Chapter 14 of the Laws of 2017.

Provides Adult Siblings Access to Medical Records S2933-A, Gallivan / A7567, Gunther

This legislation amends the mental hygiene law by adding "adult sibling" to the list of people eligible to access that related person's medical records.

This bill passed both houses. It has not yet been transmitted to the Governor.

Involuntary Care S6154, Ortt/ A7604, Gunther (OPWDD Departmental Bill #102)

This legislation would amend the mental hygiene law to ensure that the statutory definition of those "in need of involuntary care and treatment" conforms to constitutional due process standards with respect to involuntary medical admissions. The legislation also determines that the Commissioner of OPWDD shall receive and decide on an application for individual involuntary care and treatment.

This bill passed both houses. It has not yet been transmitted to the Governor.

Limited Licenses for Speech Language Pathologists S5936-A, Funke / A7792, Jaffee

This legislation would allow SED to issue a limited license to an applicant for a license as a speech language pathologist. Any speech language pathologist with a limited license will be authorized to practice speech language pathology, under the supervision of a licensed speech language pathologist.

This bill passed both houses. It has not yet been transmitted to the Governor.

Insurance

Expands coverage of tomosynthesis by certain health insurers S4150, Griffo / A5677, Seawright

This legislation would amend the insurance law to include that every policy providing coverage for hospital, surgical or medical care may include coverage for breast tomosynthesis in all cases that a policy would normally be required to cover traditional mammography screening of breast cancer.

This bill passed both houses. It has not yet been transmitted to the Governor.

Medicaid Rate for Hospice S5662-A, Valesky/ A6408-A, Dinowitz

This legislation codifies and updates the Medicaid rate for patients for care provided to patients in hospice residences.

This bill passed both houses. It has not yet been transmitted to the Governor.

Medicaid Coverage of Blood Clotting Factor Products S5774, Hannon/ A7581, Gottfried

This legislation excludes outpatient blood clotting factor products and other related services and treatment from Medicaid Managed Care and reimbursing for it under Medicaid Fee for Service.

This bill was vetoed by the Governor on June 28, 2017.

Medicaid Coverage of Allergy Testing S1222, Rivera / A807, Perry

This legislation requires Medicaid coverage for both blood testing and skin prick testing for allergies.

This bill passed both houses. It has not yet been transmitted to the Governor.

Accelerated Life Insurance Benefits for Chronic Illness S2114-B, Seward /A7584-B Crespo

This bill would change the long term care trigger for qualification for an accelerated death benefit under a life insurance policy for chronic illness by removing the requirement that the issuer must be a qualified long term care insurance carrier under Section 4980 of Internal Revenue Code. This will enable insurers who are not also long term care insurers to offer an accelerated death benefit rider.

This bill passed both houses. It has not yet been transmitted to the Governor.

Prohibits Prior Authorization for Neonatal Intensive Care Services S6053, Hannon / A8051, Gottfried

This legislation clarifies that no health plan shall require a prior authorization determination for services provided in a neonatal intensive care unit of a hospital. However, the plan does have authority to deny the claim if it is determined that such service was not medically necessary.

This bill passed both houses. It has not yet been transmitted to the Governor.

Includes Topical Oxygen Wound Therapy in Medicaid Coverage S3421, Parker / A2906, Ortiz

Establishes topical oxygen wound therapy as a statutory Medicaid benefit.

This bill passed both houses. It has not yet been transmitted to the Governor.