

June 15, 2021

Health/Mental Hygiene End of Session Bill Summary

The New York State Legislature has adjourned the 2021 session with the Senate gaveling out at 9:30pm on June 10th, and the Assembly following suit at 4am on July 11th. Upon adjourning both Legislative Leaders signaled the possibility of a return this year with unfinished business pending with the impeachment investigations and Governor’s Cuomo’s proposal to change the leadership structure of the MTA.

Legislators passed nearly 900 individual bills during the less than six-month session. Below we have provided a sector-by-sector summary of the bill passed by both the Senate and Assembly in the Health and Mental Hygiene areas. The bill text for this legislation can be viewed at: <https://nyassembly.gov/leg/>

Most bills await action by the Governor (most have yet to be sent to his desk), but we have noted below the legislation that has already been acted on.

Contents

MULTIPLE SECTORS 2

HOSPITAL/INSTITUTIONAL CARE 2

LONG TERM CARE/ HOME CARE 4

HEALTH PROFESSIONS 7

SCHOOL-BASED HEALTH CENTERS 9

PHARMACY 9

PUBLIC HEALTH/ PATIENT CARE 10

BEHAVIORAL HEALTH 14

DEVELOPMENTAL DISABILITIES/ SPECIAL EDUCATION SERVICES 16

OTHER HUMAN SERVICES 19

INSURANCE 21

COVID-19 24

RESOLUTIONS 25

MULTIPLE SECTORS

Paid Family Leave (A6077A Rajkumar/ S3291-A Salazar)

The legislation provides that employees (domestic workers) who work at least 20 hours and are employed on each of at least 30 days in any calendar year are covered under the Paid Family Leave and Temporary Disability Insurance Programs.

PPE Awareness (S30 Kaplan/ A4384 Stirpe)

The legislation authorizes the Empire State Development Corp (ESDC) to develop a public awareness program promoting Personal Protective Equipment (PPE) manufacturing in NYS.

Prohibition of Protected Personal and Private 501(c)3 Donor Data from Disclosure (S4817A Krueger/ A1141A Paulin)

This bill eliminates the requirement for charitable 501(c) (3) organizations that file an annual financial statement with the New York Attorney General's Charities Bureau to file the same financial statement with the Department of State, and protects personal and private data such as names, addresses and telephone numbers of those who choose to contribute to 501(c)3 not-for-profits from unnecessary disclosure.

Marijuana Regulation and Taxation Act (S854A Krueger/ A1248-A Peoples-Stokes)

This bill legalizes the possession, growth, and sale of adult-use cannabis and establishes a series of licenses that will allow for the growth, processing, distribution, and sale of cannabis. The bill creates the Office of Cannabis Management, which will oversee the Adult-Use, Medical Marijuana, and Hemp programs.

This bill was signed Chapter 92 of the Laws of 2021 on 3/31/2021.

OMH, OPWDD, OCFS Staffing Reduction Quarterly Reports (S1765-A Mannion/ A117-C Gunther)

This bill would require the Commissioners of OMH, OPWDD, and OCFS to publish quarterly reports on the justification for closure or suspension of services, information on the fiscal year budgeted staffing levels, and current staffing levels by position or title including statewide and regional data on how many FTE are budgeted for/filled, vacancies, and waiting lists for individuals eligible to receive care in a residential setting, and any steps taken by the agency to recruit staff for new and vacant positions. The bill also adds the requirement for suspension of services to be included in the report at least 365 days prior to any closure of a facility.

HOSPITAL/INSTITUTIONAL CARE

Antimicrobial Resistance Prevention and Education Program (A5847 Woerner/ S2191 Kavanagh)

This bill requires hospitals and nursing homes to establish an antimicrobial stewardship program that meets or exceeds federal Medicare and Medicaid standards. The program must include an ongoing process to measure the impact of the program, at least annually. Facilities must establish and implement training regarding infection prevention and control.

Expansion of Opioid Prevention Program (S6571 Hinchey/ A6166-A Rosenthal L.)

This bill expands the current Opioid Prevention program to require the Department of Health to also publish findings and information on alcohol overdose data, including emergency room utilization and other information on a quarterly basis. The bill requires all such data to be posted on the Office of Addiction Services and Supports website.

Human Organ Delivery Vehicles (S4071-A Kennedy/ A96-A Gunther)

This bill expands the type of vehicles that can transport organs for transplantation purposes or in a situation involving an imminent health risk. Human organ delivery vehicles must be used solely for the purpose of organ recovery or transplantation while engaged in an emergency operation, authorized by the State Commissioner of Health, and be in compliance with State and federal laws. The Commissioner of Health, in consultation with the Commissioner of Motor Vehicles, is authorized to promulgate regulations establishing standards for the operation of human organ delivery vehicles as authorized emergency vehicles.

Accreditation, Approval, and Operation of Midwifery Birth Centers (S1414A Rivera/ A259A Gottfried)

This bill reconciles regulations governing the licensing, establishment and operation of midwifery birth centers with the Midwifery Practice Act and the standards of national accrediting bodies specializing in midwifery birth centers. It clarifies that accrediting organizations must be approved by DOH and that DOH regulations must be consistent with the Midwifery Practice Act (Art. 140 of the Education Law) or standards of the accrediting organization.

Informational Leaflet Distribution to Expectant Mothers (S1303 Salazar/ A1254 Bichotte Hermelyn)

This bill is a chapter amendment to Chapter 348 of the Laws of 2020 to clarify that emergency rooms must follow the federal Emergency Medical Treatment and Labor Act and have DOH provide emergency room staff with this information. In addition, the leaflet that provides information on the risks of pre-term labor will be given to expectant parents earlier in the pregnancy.

This bill was signed into law, Chapter 66 of the laws of 2021 on February 16, 2021.

Distribution of Literature to Patients at a High Risk of Sickle Cell Disease by Hospitals (A6429B Hyndman/ S5606B Sanders)

This bill requires hospitals to distribute literature created by the commissioner to patients at a high risk of sickle cell disease.

Requirement of a Health Equity Assessment to be Filed With an Application For Construction, or Substantial Reduction of, a Hospital or Health Related Service (A191A Gottfried/ S1451A Rivera)

This bill adds consideration of a project's impact on medically underserved groups to the documentation required for the applicant to submit, for a Certificate of Need for the

establishment or construction of a hospital, and the reviewer to consider when reviewing the application.

Establishment of Clinical Staffing Committees (S1168-A Rivera/ A108B Gunther)

This bill requires every general hospital to create a clinical staffing committee made up of registered nurses, licensed practical nurses, and ancillary staff members providing direct patient care, and hospital administrators by January 1, 2022. The committee will be responsible for developing and overseeing the implementation of a clinical staffing plan that will include specific guidelines or ratios, matrices, or grids indicating how many patients are assigned to each nurse and the number of ancillary staff in each unit.

This bill was delivered to the Governor on June 7, 2021 and awaits action.

LONG TERM CARE/ HOME CARE

Antimicrobial Resistance Prevention and Education Program (A5847 Woerner/ S2191 Kavanagh)

This bill requires hospitals and nursing homes to establish an antimicrobial stewardship program that meets or exceeds federal Medicare and Medicaid standards. The program must include an ongoing process to measure the impact of the program, at least annually. Facilities must establish and implement training regarding infection prevention and control.

Identity Theft Support Services for Elder Persons (S1560 May/ A1994 Cruz)

This bill adds a definition of ‘elder abuse and exploitation’ to Elder Law and incorporates identity theft in the list of eligible support services. The bill also amends Executive Law to provide that identity theft be one of the many forms of elderly abuse that the Office of Aging and the state police address in educational materials for law enforcement.

Paid Family Leave (A6077A Rajkumar/ S3291-A Salazar)

The legislation provides that employees (domestic workers) who work at least 20 hours and are employed on each of at least 30 days in any calendar year are covered under the Paid Family Leave and Temporary Disability Insurance Programs.

Investing in Care Act (A6490-B Kelles/ S4652-B May)

The bill enacts the “Investing in Care Act” which directs the commissioner of economic development in consultation with the commissioner of health, labor and OCFS to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in NYS.

Long Term Care Ombudsman (S612-B May/ A5436-B Clark)

This bill enacts the long-term care ombudsman program reform to establish policies and procedures for reporting by staff and volunteers of the long term care ombudsman program of issues regarding the health, safety and welfare of residents at long term care facilities.

Social Adult Day Services (S6526 May/ A7499 Barnwell)

The legislation amends the definition of social adult day services to include community or home settings, which are developed pursuant to a person-centered plan. This legislation would provide flexibility to allow adult day services to be provided in a congregate, community, or home setting to combat loneliness/social isolation, support social determinants of health, provide caregivers with needed respite, and support working caregivers for programs funded and administered by NYSOFA and/or the Area Agencies on Aging.

Hospice Residences (A4594A Gottfried/ S5506-A Hinchey)

The bill permits up to 100% of bed in a hospice residence to be dually certified as both hospice and inpatient.

Exams for Home Care Workers (A4662A Burdick/ S1201-A Harckham)

The bill amends the public health law by requiring the department to maintain a schedule of when they will offer competency exams to qualified home care service workers residing outside this state in order to fill any shortage of home care services working in this state.

PHHPC Nursing Home Applications (A5684-A Gottfried/ S4893-A Rivera)

The bill ensures that nursing home operators and owners who come before the Public Health and Health Planning Council (PHHPC) for change of ownership or operations are reviewed and approved based upon several quality metrics before they are entrusted with the care of additional individuals. The bill also enhances transparency around related assets and operations of nursing homes as well as of applications for changes to ownership and/or operation of a facility.

This bill was signed into law, Chapter 102 of the laws of 2021 on April 24, 2021.

Nursing Homes Staffing (A7119 Gunther/ S6346 Rivera)

The bill directs the Commissioner of Health (COH) to establish regulations for standards related to nursing home minimum staffing levels with the goal of promoting the highest possible health and wellbeing of residents in nursing homes. At a minimum, nursing home staffing standards would have to include 3.5 hours of nursing care per resident per day. Of this, 3.5 hours at least 2.2 would need to be provided by nursing assistants and at least 1.1 would need to be provided by licensed practical nurses (LPNs) or registered nurses (RNs).

This bill was delivered to the Governor on June 7, 2021 and awaits action.

Nursing Home Audits (S1783-A Skoufis/ A6057-A Burke)

The legislation establishes an annual infection control competency audit for nursing homes commencing October 1, 2021. The audit will use a checklist to evaluate competency in relation to infection control, personal protective equipment, staffing, clinical care, and communication.

Residential Health Facility Discharge (S3058-A Rivera/ A3919 Hevesi)

The bill will ensure the safety and appropriate discharge or transfer of individuals from residential health care facilities.

This bill was signed into law, Chapter 80 of the laws of 2021 on March 19, 2021.

Nursing Home Ownership (S6767 Rivera/ A7517 Gottfried)

The bill is a Chapter amendment to Chapter 102 of the laws of 2021 and includes additional transparency measures related to nursing home ownership.

This bill was signed into law, Chapter 141 of the laws of 2021 on June 11, 2021.

PT, OT, ST Demo (S7055 Cooney/ A7945 Clark)

The bill extends the demonstration project that allows for the provision of physical, occupational and speech therapy by a residential health care facility at an off-site location until June 2024.

Disaster Preparedness (A7662 Anderson/ S7102 Addabbo)

The bill extends the law relating to energy audits and disaster preparedness reviews of residential health care facilities.

This bill was signed into law, Chapter 125 of the laws of 2021 on June 11, 2021.

Nursing Home Visitors (A6966 Bronson/ S6203 May)

The bill provides authorization and regulation of the visitation of visitors at nursing homes and residential health facilities.

This bill was signed into law, Chapter 108 of the laws of 2021 on May 13, 2021.

Nursing Home Visitation (S614-B May/ A1052-B Bronson)

The bill provides authorization and regulation of the visitation of visitors at nursing homes and residential health facilities.

This bill was signed into law, Chapter 89 of the laws of 2021 on March 29, 2021.

Nursing Home Ratings (A2037 Dinowitz/ S553 Sanders)

The bill requires nursing home ratings be posted on the facilities home page of website.

LTC Extender (A7022 Wallace/ S6740 May)

The bill extends the long-term care ombudsman program for two years.

Nursing Home Bill of Rights (A6222 Wallace/ S4377 May)

This bill mandates translation and provision of the Nursing Home Resident's Bill of Rights into the six most common non-English languages and mandates prominent display of contact information for the long-term care ombudsman program in nursing homes.

Elder Abuse Team (S6528 Persaud/ A7634 Cruz)

This bill would authorize the New York State Office for the Aging to establish the Elder Abuse Enhanced Multidisciplinary Team Program, with teams consisting of representatives from a wide range of professions for the purpose of responding to complex cases of elder abuse.

Establishes and Implements an Infection Inspection Audit and Checklist on Nursing Homes (A6057-A Burke/ S1783-A Skoufis)

This bill requires facilities to adhere to an audit evaluation checklist of core competencies relating to infection control, personal protective equipment, staffing, clinical care, and communication.

Creation of a Task Force to Study the State of Long-Term Care Services (A3922-A Cruz/ S598-B May)

This bill establishes a long-term care task force that will examine the state of long-term care, both home-based and facility-based, in the state, and consider potential models for improvement. It will examine both the impact of the coronavirus pandemic on long-term care as well as the broader long-term system in New York.

Investing in Care Act (S4652-B May/ A6590-B Kelles)

Directs the commissioner of economic development, in consultation with the commissioners of health, labor and OCFS to study, develop, and implement a long-term strategy to support the growth of the caregiving industry in New York State.

HEALTH PROFESSIONS

Health Care Professionals Reporting Requirements to SED (S3543 Stavisky/ A3050 Fahy)

This bill requires health care professionals, with the exception of physicians, licensed, certified, or registered under the State Education Law, to report information as deemed necessary by SED, in consultation with DOH, to evaluate access to needed services in the State. The provisions of this bill are effective only if and for so long as an appropriation is provided to SED for the purposes of its implementation.

Recertification of Emergency Medical Technicians (S7062 Rivera/ A7670 Sayegh)

This bill makes permanent the pilot program allowing an individual that is an EMT, Advanced EMT, EMT-Critical Care, or Paramedic to renew their certification without taking a traditional recertification course and the State exam.

Air Transport Ambulance Providers: Storage and Distribution (S4085-A Hinchey/ A2561-B Woerner)

This bill allows air transport ambulances to store, distribute, initiate, and administer blood. It provides that air transport ambulances must meet or exceed all standards for the storage of blood products of the United States Food and Drug Administration.

Defining First Responders in Communication (S7121 Brooks/ A7366-A Abbate)

This bill defines “First responder in communication” as any individual who is a: public safety dispatcher; emergency responder; emergency operator; emergency complaint operator and emergency services dispatcher who meets the minimum requirements established by a local government; department or agency including but not limited to, police, sheriff’s, and fire departments; and rescue and emergency services departments. To the extent practicable, employers of a first responder in communications must provide training.

Awarding Attorney’s Fees and Expert Witness Fees in Discrimination Cases (S749 Biaggi/ A1899 Dinowitz)

This bill amends Executive Law § 297 (10) to allow the commissioner or the court in an action or proceeding to award reasonable attorney's fees to any prevailing or substantially prevailing party (current law only provides this for housing discrimination). This section would also provide for expert witness fees to be awarded pursuant to the same standards as an award of attorney's fees. The bill also provides the standard that the court would use to identify a frivolous action or proceeding.

Authorizes Trained Unlicensed School Personnel to Administer Non-Injected Glucose in Emergencies (S1239 Mayer/ A5127 Benedetto)

This bill expands authorization to allow trained school staff to administer all types of glucose needed for the treatment of diabetes. Currently, only injectable glucagon is permitted to be administered by trained unlicensed school personnel.

Authorizes Pharmacists to Provide Adult immunizations (A6476A Hyndman/ S4807A Stavisky)

This bill authorizes pharmacists to provide current immunizations, which are recommended by the federal Centers for Disease Control and Prevention for patients eighteen years or older. It also creates a regulatory process for vaccines approved in the future through the State Health Department and Education Department.

Recertification of Emergency Medical Workers (S7062 Rivera/ A7670 Sayegh)

This bill makes permanent the pilot program allowing an individual that is an emergency medical technician (EMT), Advanced EMT, EMT-Critical Care, or Paramedic to renew their certification without taking a traditional recertification course and the state examinations.

Approved Courses of Study or Equivalent On-The-Job Experience For Counselors (A5527A Williams/ S361A Persaud)

This bill requires counselors and health professionals to complete courses of study or on-the-job experience related to trauma informed, patient-centered care, referring individuals to appropriate treatment for co-occurring disorders, and sensitivity training.

Extension of Exemptions From Professional Licensure Requirements (A7405A Bronson/ S6431 Brouk)

This bill extends for one year certain exemptions from professional licensure requirements for persons employed as mental health practitioners, psychologists and social workers in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, or a local governmental unit or social services district.

Prescribing of Oral Medications By Optometrists (A1921 Paulin/ S1519 Bailey)

This bill authorizes licensed optometrists who receive certification to prescribe certain oral medications.

Development of an Informational Pamphlet For Patients Undergoing Pelvic Examinations (A5489B Solages/ S210B Persaud)

This bill amends the public health law, in relation to requiring the department of health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and to require medical practitioners performing pelvic exams to disseminate such pamphlets.

Prescription of Opioid Antagonists (S2966-A Harckham/ A336-A Braunstein)

This bill requires that an opioid antagonist, a drug used to counter the effects of an opioid overdose, must be prescribed with a patient’s opioid prescription under certain circumstances. In particular, when there is a history of substance use disorder, for a high dose or cumulative prescriptions that result in ninety morphine milligram equivalents or higher per day or concurrent use of opioids and benzodiazepine or non-benzodiazepine sedative hypnotics.

SCHOOL-BASED HEALTH CENTERS

Permanent Medicaid Managed Care (MMC) Carve-Out (S2127 Rivera/ A1587 Gottfried)

This bill permits School-Based Health Centers with the option of remaining in the Medicaid Fee-for-Service system instead of being forced to participate in the Medicaid Managed Care program.

PHARMACY

Regulation of Pharmacy Benefit Managers (A1396 Gottfried/ S3762 Breslin)

This bill requires licensure for pharmacy benefit managers (PBMs) and specifies their duties and obligations as service providers, regulated to the State Department of Financial Services and Department of Health.

Purchase of Prescription Drugs by Pharmacies (A5854A Joyner/ S3566 Breslin)

This bill clarifies and strengthens provisions in current law to ensure that patients have the option to access every covered medication from a local network participating pharmacy and are not forced into mandatory mail order.

Establishes a workgroup to explore options to increase access to insulin for residents of the state without healthcare (A5460 Joyner/ S4000 Rivera)

This bill increases access to insulin and related supplies for residents with diabetes by creating a workgroup to study expanding access to the insured/underinsured and to authorize pharmacist standing orders for insulin under certain circumstances.

This bill was signed into law, Chapter 134 of the laws of 2021, on June 11, 2021.

Authorizes Pharmacists to Provide Adult immunizations (A6476A Hyndman/ S4807A Stavisky)

This bill authorizes pharmacists to provide current immunizations, which are recommended by the federal Centers for Disease Control and Prevention to patients eighteen years or older. It also creates a regulatory process for vaccines approved in the future through the State Health Department and Education Department.

Access to Pharmacy Services (A7598 Gottfried/ S6603 Skoufis)

This bill would allow patients to utilize their pharmacy of choice under Medicaid managed care and have choice in receiving medications by delivery or mail from their local pharmacy. The bill would also make the Fee for Service reimbursement rate for pharmacies apply to Medicaid managed care.

Prescription of Opioid Antagonists (S2966-A Harckham/ A336-A Braunstein)

This bill requires that an opioid antagonist, a drug used to counter the effects of an opioid overdose, must be prescribed with a patient's opioid prescription under certain circumstances. In particular, when there is a history of substance use disorder, for a high dose or cumulative prescriptions that result in ninety morphine milligram equivalents or higher per day or concurrent use of opioids and benzodiazepine or non-benzodiazepine sedative hypnotics.

Decriminalization of the Possession/Sale of Hypodermic Needles and Syringes (S2523 Rivera/ A868 Gottfried)

This bill amends Penal Law, General Business Law and Public Health Law to provide expanded access to the possession and sale of hypodermic syringes and needles and to allow pharmacies and healthcare agencies registered under ESAP to remove both the limit on the sale of hypodermic syringes and needles per transaction and the ban on program advertising.

Addition of Pharmaceutical Expenses in an Explanation of Benefits Form (A3516 McDonald/ S7075 Breslin)

This bill amends the insurance law, in relation to requiring insurers to provide insureds or subscribers with an explanation of pharmaceutical benefits relating to claims under certain accident and health insurance policies.

Prescription Drug Formulary Changes During a Contract Year (A4668 Peoples-Stokes/ S4111 Breslin)

This bill clarifies that health insurance consumers covered by plans that are required to offer essential health benefits under the affordable care act are protected from adverse effects of mid-year formulary changes, and properly notified of formulary changes.

PUBLIC HEALTH/ PATIENT CARE

Age of Consent Marriage (S3086 Salazar/ A3891 Ramos)

This bill increases the age of consent for marriage to age 18 with no exceptions.

The Dominic Murray Sudden Cardiac Arrest Prevention Act (S1016-B Gaughran/ A2388-B Aubry)

This bill amends Public Health Law to require DOH to develop information, in conjunction with SED, relating to pupils exhibiting signs or symptoms of pending or increased risk of sudden cardiac arrest, and provide for the posting of the information on the department's official website. The bill amends the Education Law to require SED to review and post the information included in permission forms that may be required for a student's participation in interscholastic athletics. The bill requires SED to promulgate rules and regulations regarding return to play after a cardiac event.

G6PD Deficiency and ALD Screening for Newborns (S4316 Gustavo/ A4572 Gottfried)

This bill amends Public Health Law § 2500-a to add glucose-6-phosphate dehydrogenase deficiency to the list of conditions that all newborns are screened for. This section also includes technical cleanup to make the section clearer and format it in line with the rest of the Public Health Law. Clarifies that adrenoleukodystrophy is also added to the screening list.

Education and Outreach on Conditions that Affect Female Fertility (S6957 Brouk/ A5979A Walker)

This bill amends the Public Health Law to authorize DOH to conduct an education and outreach program for consumers, patients, educators, and health care providers relating to reproductive health conditions that affect female fertility.

Deadline Extension for Workgroup on Rare Diseases Report (S5944-A Rivera/ A6671-A Paulin)

This bill extends the deadline for DOH and the rare disease workgroup to submit a report to the governor, speaker of the assembly, and temporary president of the senate by one year. The bill also requires the workgroup to convene no later than December twentieth, 2021.

Additional Rights to Pregnant Inmates (S399-A Biaggi/ A616-A Rosenthal)

This bill amends the Correction Law to allow for a support person of the pregnant inmate's choosing be involved and assist during labor and delivery. The bill also requires that incarcerated expecting mothers/mothers of children under 18 months be notified of nursery programs run by DOCCS and the locality.

Technical Correction to the 2018 Crohn's and Colitis Fairness Act (S870 Felder/ A1260 Paulin)

This bill repeals provisions of the underlying chapter that allowed for the creation of a Crohn's and Colitis ID card that were in the public health law and places them into the general business law. In addition, instead of the Department of Health issuing the card, DOH will create a form for which a person can get a health professional to sign stating their rights under the Crohn's and Colitis Fairness Act.

This bill was signed Chapter 43 of the Laws of 2021 on 2/17/2021.

Establishes a DOH Racial Equity Working Group (S2987-A Parker/ A5679-A Darling)

This bill establishes the racial-equity working group within DOH to address issues related to racism as a public health crisis. The working group will consist of a designee of DOH, one appointee by DOH, two appointees by the Governor, and four appointees by the legislature (one by each conference). The working group shall issue a report on its findings, including any legislative recommendations to the Governor and legislature December 31, 2021 and biennially thereafter.

Education and Outreach for Postnatal Tissue and Fluid Donation (S3209 Salazar/ A182 Gunther)

This bill amends Public Health Law to allow DOH to conduct education and outreach programs that relate to donation of postnatal tissue and fluids.

Addition of Preeclampsia to List of DOH Health Care Matters (Lian's Law) (S3474 Cooney/ A6531 Gonzalez-Rojas)

This bill adds preeclampsia, including information about detection, risk factors and management, and possible options for treatments, to the list of health care matters included in the DOH health care and wellness education and outreach program.

Lyme Disease and Other Tick-Borne Disease Awareness (S4089 Hinchey/ A6888 Barrett)

This bill amends Agriculture and Markets Law to establish a public awareness campaign regarding Lyme disease and other tick-borne diseases. The campaign will seek to educate farmers, farmworkers, and others regarding Lyme diseases and other tick-borne diseases, recognition of symptoms, available treatments, and preventive measures.

Feminine Hygiene Products for New Yorkers Receiving Temporary Housing Assistance (S6572 Hinchey/ A529-A Rosenthal)

This bill amends the Social Services Law to provide for feminine hygiene products at no cost to adults and children receiving temporary housing assistance.

Possession of Opioid Antagonists and Receipt Into Evidence (A2354 Dinowitz/ S911 Sanders)

This bill promotes the use of opioid antagonists to combat and prevent drug-related overdoses. It prohibits the possession of opioid antagonists as evidence in court of possession of controlled substances.

Requires a Review of the Effects of Racial and Ethnic Disparities on Breastfeeding Rates (A987 Solages/ S1296 Benjamin)

This bill requires the department of health of the state of New York to conduct a review of the effects of racial and ethnic disparities on breastfeeding rates and prepare and submit a report to the governor and the legislature; and repeal certain provisions of the public health law relating thereto.

This bill was signed into law, Chapter 64 of the laws of 2021 on February 26, 2021.

Creations of the New York State Rural Ambulance Services Task Force (A1561-C Santabarbara/ S3503-C Hinchey)

This bill creates a task force for New York State rural ambulance services to examine evaluate and make recommendations.

Prohibits the Use of Pesticides at Children's Overnight or Summer Day Camps (A528-A Paulin/ S4478-A Brouk)

This bill extends New York State's school anti-pesticide laws to children's overnight and summer day camps. This act ensures that no children's overnight or summer day camp applies pesticide to any playground, athletic or playing field.

Improved Access For Schools to the Statewide Immunization Database (A5062 Kelles/ S4962 Reichlin-Melnick)

This bill adds schools to the list of entities permitted to access the Statewide Immunization Registry for efficiency purposes.

Development of an Informational Pamphlet For Patients Undergoing Pelvic Examinations (A5489-B Solages/ S210-B Persaud)

This bill amends the public health law, in relation to requiring the department of health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and to require medical practitioners performing pelvic exams to disseminate such pamphlets.

Task Force on Improving Urban and Rural Access to Locally Produced, Healthy Foods (S1056 Sanders/ A4613 Lupardo)

This bill will create a task force on improving urban and rural consumer access to locally produced, healthy foods. The task force will be made up of eleven members and will have the Commissioner of Agriculture and Markets as the Chair. The appointed members will be farmers, non-profits focused on food access, grocery industry representatives, and economic development agencies and will identify strategies to increase the production, marketing, and distribution of locally produced, fresh food in nutritionally underserved communities.

NYS DOH Study on Asthma in Large Towns/Cities (S646-B Sanders/ A2670-B Hyndman)

This bill would require the New York State Department of Health to prepare a study of the incidences of asthma in all cities and towns with a population of more than 90,000. The study shall include a map of each city and town indicating incidents of asthma with an analysis of high-risk neighborhoods examining disparities in income, race and ethnicity, public and private housing, proximity to major sources of air pollution and an evaluation of the effectiveness of existing medical facilities in each city. The study shall be completed by September 30, 2023 and placed on the department's website by January 1, 2024.

NYS DOH Study on Infant Mortality Disparities (S879 Benjamin/ A988 Solages)

This bill is a chapter amendment that changes the date the report on the findings of the study on racial and ethnic disparities on infant mortality is due to 18 months after the effective date of the bill.

This bill was signed Chapter 46 of the Laws of 2021 on 2/16/2021.

Nourish New York Program (S4892-A Hinchey/ A5781-A Cruz)

This bill would make the Nourish NY program permanent in the Agriculture & Markets Law. Also directs the Commissioner of Agriculture & Markets, in consultation with DOH, to review the Hunger Prevention Nutrition Assistance Program and also separately report on the need to establish a grant program for cold storage equipment purchase.

Excess Food Designated for Food Relief Organizations (S6018-B Harckham/A6562-A Abinanti)

This bill extends the environmental conservation law provisions that facilitate the donation of food from supermarkets to food relief organizations and diverts edible food from landfills. The legislation was set to expire December 31, 2021 and is extended to December 31, 2026.

BEHAVIORAL HEALTH

Expansion of Opioid Prevention Program (S6571 Hinchey/ A6166-A Rosenthal L.)

This bill expands the current Opioid Prevention program to require the Department of Health to also publish findings and information on alcohol overdose data, including emergency room utilization and other information on a quarterly basis. The bill requires all such data to be posted on the Office of Addiction Services and Supports website.

Judicial Diversion for Substance Use Disorder Related Felonies (S7228 Bailey/ A5511-A Richardson)

This bill expands the number of eligible (non-violent) crimes for a person to be diverted for substance use treatment and updates Criminal Procedure Law to include the term 'substance use' rather than 'substance abuse' and to incorporate the DSM-5.

Extension of Exemptions From Professional Licensure Requirements (A7405-A Bronson/ S6431 Brouk)

This bill extends for one year certain exemptions from professional licensure requirements for persons employed as mental health practitioners, psychologists and social workers in a program or service operated, regulated, funded, or approved by the department of mental hygiene, the office of children and family services, or a local governmental unit or social services district.

Makes Care and Services Provided By Licensed Mental Health Practitioners Eligible For Coverage Under the Medicaid Program (A6323 Bronson/ S6575 Savino)

This bill enables mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services.

Makes Care and Services Provided By Licensed Clinical Social Workers Eligible For Coverage Under the Medicaid Program (A7187 Bronson/ S6576 Savino)

This bill enables clinical social workers licensed pursuant to Article 154 of the Education law to bill Medicaid directly for their services.

Establishes an Opioid Settlement Fund (A6395B Woerner/ S7194 Rivera)

This bill requires all funds received by the state as the result of a settlement or a judgment in litigation against opioid manufacturers, distributors, dispensers, consultants or resellers shall be deposited into the opioid settlement fund to be used for SUD prevention, treatment and recovery programs, and public education campaigns. The bill states that such funds shall not supplant or replace existing state funding for such programs and creates an Opioid Dashboard to provide transparency on how the funding is distributed.

Provides Information to Veterans Who Experience Post-Traumatic Stress Disorder and Traumatic Brain Injury (A2203 Barrett/ S4971 Kennedy)

This bill adds post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI) to the list of informational portals required on the Division of Veterans' Services website.

Creation of a Veterans' Mental Health and Suicide Prevention Task Force (5836-A Cusick/ S1788-A Sanders)

This bill creates a veterans' mental health and suicide prevention task force to examine, evaluate and determine how to improve mental health and suicide prevention for our veterans.

Replaces Outdated and Insensitive Language (A6564-A Gunther/ S4777-B Mannion)

This bill replaces outdated and insensitive language found in Section 28 of the general construction law as it relates to language describing or defining a mental disability and replaces language in NYS law to up to date terminology.

Data Inclusion in the Statewide Comprehensive Plan For Persons With Mental Disabilities (A7690 Abinanti/ S6277 Mannion)

This bill requires OPWDD's statewide comprehensive plan for persons with mental disabilities to include demographic information.

Establishes a 9-8-8 Suicide Prevention and Mental Health Crisis Hotline System (A7177-B Gunther/ S6194-B Brouk)

This bill establish a three-digit, 9-8-8 suicide prevention and mental health crisis hotline system that will save lives by connecting people experiencing mental health crisis with compassionate, lifesaving, and culturally competent mental health care services.

Requirements for Reporting of Veteran Suicide (S2036-B Brooks/ A3237-A Hunter)

This bill will require coroners, coroner's physicians or medical examiners to promptly report to the Division of Veterans' Services any death, which appears to be a suicide by a veteran. The bill also requires a report be provided to the governor and legislature on related suicide statistics no later than June 13, 2024 with subsequent reports due every three years.

Reporting of Alcohol and Opioid Overdose Data (S6571 Hinchey/ A6166-A Rosenthal L)

This bill will require reporting of alcohol overdose data in addition to existing opioid overdose reporting requirements. Quarterly reports will now be required to include data on overdoses related to non-opioid drugs and will make such reporting requirement permanent.

Federal Aid for Substance Abuse Providers (S5066-A Harckham/ A7419-A Jackson)

This bill amends the Mental Health Law to clarify that any federal aid received by, or approved to be received by, a provider during the COVID-19 emergency relief period for the purpose of providing pandemic relief shall not be considered a source of revenue for the purposes of operating costs.

Online Directory for Distributors of Opioid Antagonists (S6044 Harckham/ A128 Rosenthal L)

This bill requires OASAS to maintain an online public directory of distributors of opioid antagonists including but not limited to pharmacies, prevention programs, and not-for-profits. Information included in the directory will detail the address, contact information, and services offered by each distributor.

DEVELOPMENTAL DISABILITIES/ SPECIAL EDUCATION SERVICES

Covered Lives Assessment: Early Intervention (EI) Program (S5560A Reichlin-Melnick/ A5339 Paulin)

This bill establishes a statewide pool from which municipalities and the State would be allocated funds to pay EI costs. The pool would be financed through a long-standing tax paid by insurance companies-the covered lives assessment. The covered lives assessment would relieve EI providers of the administrative burden of what has been a futile attempt to collect commercial insurance. It will ensure that commercial insurers pay their fair share of EI services and that infants and toddlers across the State have access to critical services.

Practice of Applied Behavioral Analysis (S1662-B Skoufis/ A3523-A Peoples-Stokes)

This bill removes the restriction that licensed Behavioral Analysts can provide treatment only for persons with autism and autism spectrum disorders. Prescriptions or orders for behavioral health treatment provided by a licensed Behavioral Analyst is limited to behavioral health conditions that appear in the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, or an equivalent classification system as determined by the Department of Education.

Office of the Advocate for People with Disabilities (S1836 Skoufis/ A3130 Steck)

This bill establishes the Office of the Advocate for Disabilities within the NYS Department of State for the purpose of advising and assisting State agencies in developing policies designed to help meet the needs of persons with disabilities. The Office shall: 1) be the State's coordinator for the implementation of the Americans with Disabilities Act; 2) ensure that all programs provide services to individuals in the most integrated settings; and 3) work with State agencies to develop legislation and regulatory changes. The Governor shall appoint the head of the office.

Timely Appointment of Impartial Hearing Officers for Children with Disabilities (S6682 Liu/ A7614 Benedetto)

This bill provides families of children with disabilities the right to have an independent hearing officer appointed immediately where such appointment has not been made within 196 days after filing a due process complaint notice with a school district.

Completion of Special Education Services (S7192 Harckham/ A8021 Abinanti)

This bill provides that a school district may provide educational services in the 2021-22 and 2022-23 school years to a student who turned 21 during the 2019-20 or 2020-21 school years to a student receiving special education services pursuant to an Individualized Education Plan (IEP). The student may continue to receive educational services until they complete the IEP or turn 23 years of age, whichever is sooner.

Federal Funds, Special Education Programs (S7096-A Cooney/ A7755-A Pheffer-Amato)

This bill authorizes the retention of federal funds for special education programs for preschool children.

Autism Detection, Education, and Mapping Program (S2911 Parker/ A1953 Cruz)

This bill creates the Autism Detection, Education, and Mapping Program within the Autism Spectrum Disorders Advisory Board for the purpose of promoting screening and detection of autism, to educate the public regarding autism to provide counseling and referral services, and to map locations or occurrence of autism.

IDEA Extension (S6382-A Mannion/ A7120-A Jackson)

This bill extends, for three years (June 30, 2021-June 30, 2024), conformance of State Law with the federal Individuals with Disabilities Education Act (IDEA).

Developmental Disabilities Advisory Council Report on COVID-19 Response (S6294-A Mannion/A7381-A Abinanti)

This bill amends the Mental Hygiene Law to require the Developmental Disabilities Advisory Council along with DOH to investigate and report on the response to the COVID-19 pandemic as it relates to the care of individuals with intellectual and developmental disabilities.

Establishment of the Independent Intellectual and Developmental Disability Ombudsman Program (A1153-A Buttenschon/ S1766-A Mannion)

This bill establishes the independent intellectual and developmental disability ombudsman program. The Ombudsman's duties would include identifying, investigating, referring and resolving complaints that are made by, or on behalf of, consumers relative to coverage under a managed care organization and access to initial and continuing intellectual and developmental disability services and supports as well as network adequacy for access to such services.

Tuition and Regional Rate Reimbursement For Approved School-Age and Preschool Special Education Programs (A8013 Benedetto/ S6516-A Mannion)

This bill would provide an annual growth amount, correlating growth in total state funding for general support for public schools, in the tuition and regional rate reimbursement for school age programs operated by in-state approved private schools for the education of students with

disabilities, by special act school districts, and by approved July and August programs for students with disabilities, and for approved preschool special education programs.

Extends Statutory Authority For OPWDD Care Demonstration Programs (A5364 Gunther/ S4998 Mannion)

This bill extends statutory authority for OPWDD care demonstration programs to ensure community based services continue to be offered to those with a developmental disability through March 31, 2024.

Professional Services For Children's Camps and Camps For Children With Developmental Disabilities (A4801-A Abinanti/ S4345-A Brouk)

The bill allows children's overnight camps, summer day camps, traveling summer day camps and camps for children with developmental disabilities to employ certain licensed professionals in order to better serve the mental and physical needs of children during their summer camp experience.

Incident Notification and Reporting System (A7163 Gunther/ S5945-A Reichlin-Melnick)

This bill provides that within ten days of an incident, the director shall provide to the qualified person a copy of the written incident report, offer to hold a meeting with such qualified person to discuss the incident, and provide such qualified person with a written report on the actions taken to address the incident; provides for the director to provide such reports electronically.

Inclusion of Extreme Risk Protection Orders (A1005-A Paulin/ S5434-A Harckham)

The bill supplies patients and their authorized representative with materials providing information related to seeking an extreme risk protection order prior to a patient's discharge or conditional release from a mental health facility.

Extension of Support Orders for Adult Dependents (S4467-B Mannion/ A898-B Woerner)

This bill amends the Domestic Relations Law and Family Court Act by adding a new section to provide opportunities for continued support up to the age of 26 for certain adults with developmental disabilities. This award amount would be at the discretion of the Court, where such individual has a diagnosis of a developmental disability, as defined in the Mental Hygiene Law, resides with the person seeking such support, and is principally dependent on such person for maintenance.

Change in Appointments to Developmental Disabilities Advisory Council (S6293-A Mannion/ A7358-A Abinanti)

Requires that on and after December 31, 2021, the developmental disabilities council consists of eight members to be appointed by the temporary president of the senate, eight members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and fifteen members to be appointed by the governor. Currently the Council is composed of the OPWDD Commissioner, the Chairman of the conference of local mental hygiene directors, and 33 members appointed by the Governor.

Complaints of Abuse/Neglect for Individuals with a Disability (S7024 Mannion/ A7731 Gunther)

This bill would authorize the independent Protection and Advocacy agency to have prompt access to records or data upon the receipt of a complaint of an incident of abuse or neglect, or in instances related to an investigation of a violation against the rights of an individual with a disability who resides in a facility and is receiving services and supports at such facility. Would allow the agency to receive copies of records upon written request free of charge within three days, or in the case of a complaint of health or safety, within twenty hours of receipt of written request.

OPWDD “Scorecard” Report (S6292 Mannion/ A7352 Abinanti)

This bill would require DOB and OPWDD to submit a detailed report of proposed savings and investment initiatives contained within the Executive Budget, within five calendar days of the Executive submitting the Executive Budget to the legislature. The report must include the proposed effective date and the legal authority for each initiative as well as the projected fiscal impact of each initiative for the upcoming fiscal year and the following fiscal year.

OTHER HUMAN SERVICES

Placement of Former Foster Care Youth During a Certain State of Emergency (A1255 Hevesi/ S2075 Brisport)

This bill amends the statutory requirements established pursuant to Chapter 346 of the laws of 2020 regarding allowing a former foster care youth who has been discharged from the foster care system the ability to re-enter without submitting a motion to the family court during the COVID-19 declared state of emergency.

This bill was signed into law, Chapter 34 of the laws of 2021 on February 16, 2021.

Extends the Expiration Date of the Foster Family Care Demonstration Program (A7653 Lupardo/ S7104 Mannion)

This bill extends the expiration date of the foster family care demonstration program for an additional four years to December 31, 2025.

Establishment of a Statewide Restaurant Meals Program (A1524 Reyes/ S64 Persaud)

This bill ensures that homeless, elderly and disabled SNAP recipients are able to use their benefits for hot or prepared meals at participating grocery stores, delis' and restaurants.

The Office of Children and Family Services Shall Make Information Publicly Available On its Website Regarding Youth Placed In Foster Care Settings and the Recruitment of Foster Parents (A1256 Epstien/ S872 Benjamin)

This bill repeals certain provisions of the Social Services Law established pursuant to Chapter 321 of the laws of 2020 and directs the Office of Children and Family Services to make information publicly available on their website regarding the number of youth placed in foster care settings and the recruitment of foster care parents and the effectiveness thereof.

This bill was signed into law, Chapter 11 of the laws of 2021 on January 28, 2021.

Requires the Commissioner to Prepare a Report of the Homeless Population During a State Disaster Emergency (A1258 Hevesi/ S873 Liu)

This bill requires homeless shelters to implement certain procedures when a state disaster emergency is declared involving an epidemic or disease outbreak. It also requires the commissioner to prepare a report of the homeless population during a state disaster emergency in publicly funded shelters, residential programs for victims of domestic violence, and residential programs for runaway and homeless youth.

This bill was signed into law, Chapter 12 of the laws of 2021 on January 28, 2021.

Annual Reporting on Substance Use Disorder in Incarcerated Individuals (A540 Rosenthal L. / S2209 Sepulveda)

This bill requires the annual reporting of data on the substances that incarcerated individuals are most commonly addicted to and what treatments are made available.

Prohibition of Double-Bunked Housing in Correctional Facilities (A702 Jones/ S2211 Sepulveda)

This bill amends the correction law, in relation to the prohibition of double-bunked housing in correctional facilities.

Reentry of Former Foster Care Children Into Foster Care (A7681-A Fernandez/ S7179 Persaud)

This bill provides for additional services or supports for youths who were previously in the foster care system; deals with the reentry of former foster care children back into the foster care system.

Child Poverty Reduction Advisory Council (S2755-C Ramos/A1160-C Bronson)

This bill would establish the Child Poverty Reduction Advisory Council, chaired by a representative of the Executive Chamber and the Commissioner of the Office of Temporary and Disability Assistance (OTDA) and with two appointees each from the Senate, Assembly, and OTDA. The Governor is responsible for additional appointees from various agencies, non-profits focused on poverty, and individuals affected by poverty. The council shall explore expanding specific policies, making new recommendations, and publish benchmarks, timelines, and reports to make sure that New York State meets the goal of reducing child poverty by 50% in a decade.

Humane Alternatives to Long-Term Solitary Confinement (S2836 Salazar/A2277-A Aubry)

This bill, also referred to as HALT Solitary Confinement, will limit the use of segregated confinement in state prisons and county jails and implement alternative rehabilitative measures, including the creation of Residential Rehabilitation Units, restrict the use of segregated confinement for all incarcerated persons for up to 15 days, and prohibit segregated confinement for special populations including individuals age 21 or younger or age 55 and over,

individuals with a disability, and individuals who are pregnant, up to eight weeks postpartum, or caring for children in a facility.

This bill was signed Chapter 93 of the Laws of 2021 on 3/31/2021.

MAT for Incarcerated Individuals (S1795 Bailey/ A533 Rosenthal L)

This bill would allow incarcerated individuals with certain substance use disorders in both state and county correctional facilities the opportunity to participate in a medication assisted treatment program inclusive of alcohol, benzodiazepine, heroin, and opioid withdrawal management based on individualized treatment plans. Participation in the MAT program will be voluntary and offered to eligible individuals.

Public Notification of New Homeless Shelters in NYC (S2556 Savino/ A3022 Fall)

This bill amends the administrative code of the City of New York by requiring a process for notification of new homeless shelters. The bill requires that there be a public information session, instead of a public hearing, that allows for public comment and gives the public an opportunity to raise questions and concerns about the homeless shelter and its location. This bill was signed Chapter 68 of the Laws of 2021 on 2/16/2021.

INSURANCE

Patient Notice of Partially Approved Claims. (S2008-B Jackson/ A1677-A Gottfried)

This bill requires health insurance companies to notify patients whether a claim has been partially approved or entirely denied. The bill also requires that any denial or approval must be prominently displayed on a written notice with at least a 12-point type.

Consumer Protections: Termination of Health Care Provider/Insurance Contracts (S6801 Rivera/ A7659 Buttenschon)

This bill provides a two-year extension of existing law, which provides that if a contract between a health insurance plan and a hospital is not renewed or is terminated by either party, the parties must continue to abide by the terms of the contract, including reimbursement terms, for two months from the termination or the end of the contract period. Current law provides that the notice to enrollees must be provided within 15 days. However, these requirements do not apply where both parties agree to the termination or non-renewal and the insurer provides notice to the insured at least 30 days in advance of the contract termination.

Prohibition of Child Health Plus Participation Restrictions for Providers by Insurance Companies (S2212 Sepulveda/ A1523 Pretlow)

This bill amends Public Health Law to prohibit an approved organization administering the Child Health Plus program from denying or limiting the provision of health care services by a provider on the grounds that the provider refuses to participate in a commercial health care network maintained by the organization.

Requires Health Care Practitioner Assessments be Considered when Making Disability Determinations (S7109 Persaud/ A3149 Hevesi)

This bill amends Social Services Law to establish factors to be considered when a health care practitioner upon examination has a different opinion from an applicant's treating health care practitioner's opinion as to an applicant's disability. These factors include:

- The length and frequency of the treatment provided
- Consistency of the opinion with the record as a whole
- The degree to which the opinion is supported by concrete evidence
- The practitioners specialty

Child Health Plus Extension (S6896 Rivera/ A7660 Reyes)

This bill extends the sunset provisions of chapter 2 of the laws of 1998 for an additional two years, to expire July 1, 2023. The provisions being extended establish premiums under Child Health Plus. The bill also extends presumptive eligibility protections for children in the program.

Medical Reimbursement and Welfare Reform Extension for Limited Licensed Home Care Services Agencies (S7059 Rivera/ A7658 Gottfried)

This bill extends for two years subdivision 12 of section 246 of chapter 81 of the laws of 1995, which relates to limited home care services agencies, until June 30, 2023.

Coverage of Ostomy Supplies in the Child Health Plus Program (A783 Cahill/ S577 Sanders)

This bill requires the child health plus program to include ostomy equipment and supplies as a covered health care service.

Review of Reimbursement Rates For Ambulette Transportation (A7240 Gottfried/ S6542 Kaplan)

This bill requires the Department of Health to review and report on reimbursement rates for Medicaid ambulette transportation.

Adverse Determination Notices to Medicaid Recipients (A985 Gottfried/ S886 Rivera)

This bill clarifies that adverse determination notices to Medicaid recipients may be sent electronically in certain circumstances and makes technical corrections necessary to implement Chapter 318 of the Laws of 2020.

Regulation of Pharmacy Benefit Managers (A1396 Gottfried/ S3762 Breslin)

This bill requires licensure for pharmacy benefit managers (PBMs) and specifies their duties and obligations as service providers, regulated to the State Department of Financial Services and Department of Health.

Purchase of Prescription Drugs by Pharmacies (A5854A Joyner/ S3566 Breslin)

This bill clarifies and strengthens provisions in current law to ensure that patients have the option to access every covered medication from a local network participating pharmacy and are not forced into mandatory mail order.

Access to Pharmacy Services (A7598 Gottfried/ S6603 Skoufis)

This bill would allow patients to utilize their pharmacy of choice under Medicaid managed care and have choice in receiving medications by delivery or mail from their local pharmacy. The bill would also make the Fee for Service reimbursement rate for pharmacies apply to Medicaid managed care.

Addition of Pharmaceutical Expenses to the Claims That Must Be Provided to an Insured or Health Benefits Subscriber in an Explanation of Benefits Form (A3516 McDonald/ S7075 Breslin)

This bill amends the insurance law, in relation to requiring insurers to provide insureds or subscribers with an explanation of pharmaceutical benefits relating to claims under certain accident and health insurance policies.

Prescription Drug Formulary Changes During a Contract Year (A4668 Peoples-Stokes/ S4111 Breslin)

This bill clarifies that health insurance consumers covered by plans that are required to offer essential health benefits under the affordable care act are protected from adverse effects of mid-year formulary changes, and properly notified of formulary changes.

Makes Care and Services Provided By Licensed Mental Health Practitioners Eligible For Coverage Under the Medicaid Program (A6323 Bronson/ S6575 Savino)

This bill enables mental health practitioners licensed pursuant to Article 163 of the Education law to bill Medicaid directly for their services.

Makes Care and Services Provided By Licensed Clinical Social Workers Eligible For Coverage Under the Medicaid Program (A7187 Bronson/ S6576 Savino)

This bill enables clinical social workers licensed pursuant to Article 154 of the Education law to bill Medicaid directly for their services.

Removal of Insurance Barriers for MAT Under Medicaid (S649-A Harckham/ A2030 Rosenthal L)

This bill would allow individuals under Medicaid the ability to access whichever MAT medication is most beneficial to them and their needs, without utilization control, mandated prior authorization, or lifetime limits.

NYS DFS Review of Childbirth Covered Benefits (S4827 Salazar/ A7315 Jackson)

This bill directs DFS, in cooperation with DOH, to review covered benefits related to childbirth offered by health insurance policies and medical assistance. The review must include examination of length of stay periods, costs incurred by patients and reimbursed to providers, and any other related benefits offered. The report is to be submitted within one year of the effective date.

Affordable Housing and Insurance Premiums Study (S5231 Kavanagh/ A5574 Cymbrowitz)

This bill directs DFS and Homes and Community Renewal to conduct a study to examine the increase in insurance premiums and lack of availability of insurance coverage for affordable housing developments in NYS. The joint report should contain findings and recommendations for potential legislative and regulatory actions to address the costs and unavailability of insurance.

COVID-19

COVID Liability Protection (A3397 Kim/ S5177 Biaggi)

This legislation repeals Article 30-D of the public health law, which provided liability protections to health care facilities and providers related to COVID -19 pandemic.

This bill was signed into law, Chapter 96 of the laws of 2021 on April 6, 2021.

Preventing Occupational Exposure to an Airborne Infectious Disease (A2681-B Reyes/ S1034-B Gianaris)

This bill (The NY HERO Act) requires the Department of Labor (DOL), in conjunction with the Department of Health (DOH), to establish model workplace safety protocols to prevent the spread of airborne infectious diseases, like COVID-19. All private employers will be required to adopt the model protocols (which would be established for different industries), or an alternative written plan that meets or exceeds the minimum standards set forth in the model. Employers who fail to establish or abide by a safety plan will be subject to penalties and civil suit. This law does not apply to government agencies.

In addition, employers with ten (10) or more employees will be required to allow employees to establish joint employer-employee health and safety committees to evaluate the effectiveness of the employer's safety protocols and raise safety concerns. The DOL will adopt rules and regulations to provide further guidance. The law applies to any "airborne infectious disease," defined as "any infectious viral, bacterial or fungal disease that is transmissible through the air in the form of aerosol particles or droplets and is designated a highly contagious communicable disease by the commissioner of health that presents a serious risk of harm to the public health."

This bill was signed into law, Chapter 105 of the laws of 2021 on May 5, 2021.

Chapter Amendment on Law Preventing Occupational Exposure to an Airborne Infectious Disease (S6768, Gianaris/ A7477, Reyes)

This bill is a chapter amendment, to Chapter 105 of the laws of 2021 (A2681-B Reyes/ S1034-B Gianaris) which gives the department of labor and employers more specific instructions in developing and implementing the workplace standards, creating a clear timeline, and providing for an immediate requirement for employers to cure violations in order to better protect the safety of workers, and limit lengthy court litigation to those private rights of action, in limited circumstances where employers are acting in bad faith and failing to cure deficiencies. The

amendments allow the courts to award costs and attorney's fees to employers if a civil action for injunctive relief or retaliation is found by the court to be frivolous. Employers are now afforded notice and cure periods for claimed violations before an employee may bring an action, a short statute of limitations (6 months) to bring an action. It is notable that the chapter amendment removed language that would have allowed courts to award employees payment of liquidated damages of up to \$20,000.

This bill was signed into law, Chapter 142 of the laws of 2021 on June 11, 2021.

Study on COVID-19 Ambulatory Response in Staten Island (S6375 Savino/A5713 Fall)

This bill will require DOH to conduct a study on the delivery of primary care, urgent care, and commonly used ambulatory health care services on Staten Island, including the current situation concerning COVID-19 and expected trends for the future.

Frontline Worker Trauma Workgroup and Report (S1301 Brouk/A1250 Gunther)

This bill will require the Commissioner of OMH to convene a workgroup on frontline workers trauma informed care to ensure that trauma related behavioral health needs of essential workers during the COVID-19 pandemic are met. The workgroup must issue an interim report, on or before March 1, 2021 and a final report, on or before December 1, 2021.

This bill was signed Chapter 33 of the Laws of 2021 on 2/16/2021.

Criminalizes Falsification of COVID-19 Vaccination Records (S4516-C Kaplan/A7536-B Dinowitz)

This bill makes the falsification of COVID-19 vaccination records a crime as part of the computer tampering in the third degree, which is a class E felony. Includes clarification that a COVID Vaccination Card shall be considered a written instrument.

RESOLUTIONS

The New York State Assembly adopted two resolutions on the last day of session that itemized grantees of remaining funds of the Capital Assistance Program and grants provided by the 2021-22 State Budget.

Resolution 445 – An itemized list of grantees of funds from New York State Capital Assistance Program established in 2008. The total amount appropriated is \$282,345,000.

Resolution 446 – An itemized list of grantees of funds from grants in aid for services and expenses of the education department, human services organizations, criminal justice organizations and municipal entities, health programs and providers, veterans' organizations services, older adults programs, the Joseph P. Dwyer Veteran Peer-to-Peer Pilot Program, and the Edward Byrne Memorial Grant.

The New York State Senate adopted five resolutions on the last day of session that itemized grantees of funds provided by the 2021-22 State Budget for school districts, public libraries, non-for-profit institutions, Council on the Arts Aid, School Based Health Centers and the remaining funds of the Economic Development Assistance Program.

Resolution 1244 – An itemized list of grantees of funds for additional grants-in-aid of school districts, public libraries, and not-for-profit institutions.

Resolution 1245 - An itemized list of grantees of funds for additional grants-in-aid for school districts.

Resolution 1246 - An itemized list of grantees of funds for additional grants-in-aid for not-for-profit arts and cultural institutions.

Resolution 1247 - An itemized list of grantees of funds for grants-in-aid for school based health centers.

Resolution 1248 – An itemized list of grantees of remaining funds of the Economic Development Assistance Program.

All of us at Reid, McNally & Savage wish you an enjoyable summer and looking forward to continuing to work with you to achieve your priorities before state government.