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## 2024 Health/Mental Hygiene End of Session Bill Summary

The regularly scheduled 2024 legislative session in New York concluded over the weekend with the Senate adjourning Friday, June 7th late in the evening while the Assembly worked through the morning, gaveling out at 7am on June 8th. In total, over 800 individual bills were passed by both houses during the 2024 legislative session out of approximately 17,000 bills introduced since the session started in January. Passed bills will now need to be transmitted to Governor Hochul's desk before the end of the year for her to sign, veto or seek chapter amendments for.

While many issues dominated state discussions this year including housing, cannabis reform, retail theft, internet child safety, and climate change, the Governor's last-minute decision to halt the MTA's congestion pricing program for Manhattan, scheduled to go into effect on June 30th, threw the Legislature into chaos in the final days of the session. Governor Hochul suggested increasing the payroll mobility tax to make up for the \$1 billion shortfall this year due to the suspension, but this was rejected by the legislature. There was also talk of committing money from the state's general or rainy-day funds to make up for the \$1 billion in lost revenue. Ultimately, no agreement was reached. The Governor will have to call the Legislature back for a special session if there is a deal to approve.

Lawmakers have now returned to their districts with many facing primary challenges on June 25th and the general elections November 5th this year. Absent a call for a "special session" legislators won't return to Albany again until January 2025 when the next session begins.

While the Legislature did not pass a bill that would have reduced the prevalence of plastic packaging, the Medical Aid in Dying Act, or the OMIG Reform bill, they did pass a number of high-profile measures including:

- A "Climate Change Superfund Act" bill that create a system to require fossil fuel companies to pay for the purported climate damage to the environment via assessments;
- A bill to require gun manufacturers to take reasonable steps to design their products in a way that ensures that they are not compatible with machine gun conversion devices;
- The "SAFE for Kids Act" bill that would require parental consent for children to access algorithm-driven social media feeds and the "New York Child Data Protection Act" to prevent the collection and exploitation of children's data;
- A bill to reform the state's "wrongful death" law, to expand on damages that can be sought for "loss of nurture, guidance, counsel, advice, training, companionship, and education" in addition to potential lost support and/or diminishment of inheritance, modified from a bill vetoed by the Governor in 2023 (described further below);
- A bill to expedite the roll out of casino licenses in and around New York City.

Provided below is a sector-by-sector summary of the bills passed by both the Senate and Assembly in the Health and Mental Hygiene areas this session. We have noted below the legislation that has already been acted on by Governor Hochul while most have yet to be transmitted to her desk for consideration but must be by the end of the calendar year. The bill text for any bill can be viewed at: <https://nyassembly.gov/leg/>.

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### **MULTIPLE SECTORS**

#### **Health Emergency Response System (A5370, Paulin/ S5732, Skoufis)**

This bill would create in statute the Health Emergency Response Data System (HERDS). The bill also requires the State Department of Health (DOH) to share aggregate data from HERDS reports with the entities reporting and the public. The stated goal is to bring transparency to information gathered during public health emergencies, including communicable disease outbreaks like COVID-19.

#### **Congenital Health Defects at Birth (A7516-A, Fall/ S9283, Kavanagh)**

This bill would require hospitals and birth centers to include information on Congenital Heart Defects for maternity patients and their families in the information leaflets provided to maternity patients. This information will include the types of Congenital Heart Defects, treatment and other information.

#### **Retail Worker Safety (A8947-C, Reyes/ S8358-C, Ramos)**

This bill would create the Retail Worker Safety Act to increase worker safety by requiring employers to implement policies and training programs to prevent workplace violence. It requires a retail store with 500 or more employees nationwide to install panic buttons in all New York locations. The Department of Labor would also be required to create a model workplace violence prevention training program, policy, and guidance document to be utilized by employers.

#### **Business Interruption Insurance (A10342 Burgos / S9481, Mayer- Departmental Bill 110, DFS Department Bill 2-2024)**

This bill would define and authorize stand-alone business interruption insurance and permit an excess line broker to procure business interruption insurance.

**Medicaid Ambulance Services (S8486-C, Hinchey/A9102-C, Kelles)**

This bill would authorize Medicaid reimbursement to emergency medical service agencies for:

- providing emergency medical care to Medicaid enrollees without requiring the transportation of these patients from the location where the medical care was administered; and
- providing emergency medical care to Medicaid enrollees and transporting them to alternative destinations (locations other than a hospital), such as an urgent care clinic or mental health or rehabilitation facility.

**Timely Procurement Process (A2740-B, Paulin/ S4877-A, Mayer)**

This bill would create a process to ensure a timely procurement process for not-for-profits contracting with the state. The bill defines "noncompliant state agency" as a state agency that for six of the last twelve preceding months has (a) failed to submit any renewal contracts to the attorney general within the time frame required by subdivision four of this section when not-for-profit organizations are parties to such contracts and a written directive has been issued, (b) failed to submit any renewal contracts to the attorney general prior to commencement when not-for-profit organizations are parties to such contracts, and/or (c) in any other manner failed to fully execute a contract before its start date. This bill would also provide the steps that a noncompliant state agency would be required to take, including reporting to the Comptroller and Legislative Leaders on the issues causing the delays, efforts to address and the state's payment schedule.

**Medicaid Coverage Reviews for Health Technologies/Services (A6022-A, Paulin/ S4787-A, Rivera)**

This bill would add a process by which providers of health technologies and services can be assured that their applications for Medicaid coverage are reviewed by DOH. The amendments require DOH to publish receipt of the application, to notify the Legislature when such reviews of coverage occur and sets timeframes for review by DOH. The bill would also require DOH to detail deficiencies in such application and notify the applicant of the completeness of application before review begins.

**Updates to Family Health Care Decisions Act (A7184-A, Paulin/ S3283-A, Rivera)**

This bill would amend various sections of public health law to allow competent adults to appoint a healthcare agent, unless a guardian has been appointed pursuant to mental hygiene law; adds physician assistants and nurse practitioners to the list of providers that health care proxies can consult regarding do not resuscitate orders; adds "guardian" to the list of those given notice of determination that a principal lacks capacity to make healthcare decisions; directs DOH, the Office of Mental Health (OMH), and the Office For People with Developmental Disabilities (OPWDD) to establish regulations necessary to create and use proxies in residential health care and mental hygiene facilities, among other changes.

**Expanded Eligibility to County Boards of Health (A8232-A, Paulin/ S8561, Rivera)**

This bill would expand eligibility for appointment to county boards of health and health services advisory boards to include nurse practitioners and physician assistants. Also, it would expand eligibility to residents in the county or a contiguous county who have a background in a health-related field and performs other substantial work within the health district.

**Wrongful Death Expansion (A9232--B, Weinstein/ S848-5B, Hoylman-Sigal)**

This bill would expand the possible damages in a wrongful death action to include compensation for grief or anguish, the loss of services, support, assistance, and loss or diminishment of inheritance, and

the loss of nurture, guidance, counsel, advice, training, companionship and education resulting from the decedent's death. Limits those eligible to file for wrongful death to a decedent's spouse, domestic partner, distributees, or any person standing in loco parentis to the decedent.

**SAFE for Kids Act (S769-A, Gounardes/ A8148-A, Rozic)**

This bill enacts the Stop Addictive Feeds Exploitation (SAFE) for Kids Act by prohibiting the provision of addictive feeds to minors without parental consent. The bill would also require that social media platforms obtain parental consent before permitting notifications from such platform to children between 12am and 6am. Also authorizes the Attorney General to obtain relief and damages when social media platforms violate this law.

**New York Child Data Protection Act (S7695-B, Gounardes/ A8149-A, Rozic)**

This bill would prohibit online sites from collecting, using, sharing, or otherwise processing any personal data of individuals under age 18 without informed consent. It also prohibits disclosing any data of minors to third parties unless there is a written binding agreement.

**Electronic Health Record Organ Donor Registration (S8456, Rivera/ A7079, Gunther)**

This bill would allow patients to register in the "donate life registry" through their electronic health records by requiring vendors of such programs to include and integrate components into their existing electronic health records.

**LGBTQ+ Advisory Board (A1273, Kelles/ S5532, May)**

This bill establishes the LGBTQ+ advisory board to make recommendations, conduct research, and provide information to state officials so that informed choices can be made to meet the economic, political, and social needs of LGBTQ+ individuals in NYS. All members shall be individuals who identify as LGBTQ+.

**Patient Information Requests (A7860, Sillitti/ S7846, Webb)**

This bill specifies that a qualified person may request a physical copy of any patient information, establishing a patient's right to receive a paper copy of their medical records.

**Medical Debt Definition Change (S8373-A Rivera/ A9438 Paulin)**

This legislation builds on the Fair Medical Debt Reporting Act signed into law in 2023 by clarifying that medical debt does not include debt charged to a credit card unless the credit card is issued under an open-ended or closed-ended plan offered specifically to pay for health care services, products, or devices.

**Maternal Health Care and Birthing Standards Workgroup (S7702-A Webb/ A8207-A Clark)**

This bill would require DOH to convene a workgroup of stakeholders that includes hospitals, obstetricians, midwives, doulas, maternal health care provider organizations, mental health care provider organizations, and others to evaluate and make recommendations related to the development of maternal health care and birthing standards to ensure patients receive the highest quality care.

**Upholding the Certificate of Need Process (A9204 Paulin/ S9049 Scarcella-Spanton)**

This legislation would clarify that no waiver of a regulation under title ten of the New York codes, rules, and regulations substitutes entities' obligation to meet public need, character and competence, or financial feasibility requirements for project approval. The purpose of the bill is to prevent the use of

waivers under the hospital-home care-physician collaboration program to circumvent these long-established processes and administrative procedures.

#### **Policy-Based Exclusions (S1003-A Hinchey/ A733-A Rozic)**

This legislation would increase the information available to patients and the public on policy-based exclusions, with the bill sponsor noting recent hospital consolidation and mergers in New York and removal of categories of care from local hospitals, by several means:

- requiring DOH to collect and publish on its website policy-based exclusions from each healthcare facility;
- requiring DOH to provide the Legislature and the public with a report every 5 years regarding policy-based exclusions' impact on patients' ability to access healthcare near their residences and factors contributing to healthcare disparities like race, gender, socioeconomic status, etc.
- requiring healthcare facilities to include information about policy-based exclusions in the statement regarding patients' rights and responsibilities that they already provide each patient and provide DOH's website link on their website
- requiring insurers provide information about policy-based exclusions in the disclosure they provide to prospective insureds prior to enrollment as well as a link to DOH's website

#### **Workers' Access to Treatment (S6929 Fernandez/ A6832-A Lunsford)**

This bill would raise the limit for workers' compensation treatment costing less than \$1,000 to \$1,500 to be done without prior approval and clarifies that the list of pre-authorized procedures issued and maintained is solely for the purpose of expediting authorization of treatment. The bill also permits out-of-network providers of testing to be compensated at the provider network rate.

### **HOSPITAL/INSITUTIONAL CARE**

#### **Hospital Closure Public Notice (S8843-A, Rivera/ A1633-B, Simon)**

This bill requires public notice and public engagement when a general hospital seeks to either close entirely or close a unit that provides emergency, maternity, mental health, or substance use care. Notice of such closure must be provided in writing to DOH no later than 270 days before the proposed closure date. Such closure will require review by the Public Health and Health Planning Council.

#### **Hospital Flu Vaccines for Admitted Persons Age 50+ (A9886, Peoples-Stokes/ S9550, Skoufis)**

This bill amends the public health law to lower the age requirement for hospitals to offer inpatients the influenza vaccine from age 65 to age 50.

#### **Informational Material for Prospective Maternity Patients (A5576 Sillitti/ S3610 Webb)**

This legislation would require all hospitals and birthing centers to provide certain information about the facility to prospective maternity patients. The material provided would be required to include whether an agreement has a policy to arrange emergency transfer if care for critically ill pregnant people/infants, whether a facility has a written community needs assessment plan to reduce racial disparities and address community needs, whether an autopsy is available upon request for stillbirth, and other operational information.

#### **Hospital Disability Accommodations Voluntary Needs Assessment (A8560-A Burdick/ S8666-A Mannion)**

This bill would require hospitals to ask whether patients have a disability that requires an accommodation under the Americans with Disabilities Act and provides patients with the option to opt-out if they do not wish to answer.

## **LONG TERM CARE/ HOME CARE**

### **Home-Based Services by Local Health Departments (A8524, Paulin/ S8033, Rivera)**

This bill would amend public health law to authorize local health departments to provide certain core public health services without need for licensure under Article 36, including immunizations, tuberculosis testing and observations, verbal assessment, counseling and referral services, and other services to be determined by DOH, provided that such services would not include home health aide services, personal care services, or nursing services that require more than minimal patient contact.

### **MLTC Traumatic Brain Injury Carve Out (S2867 Rivera/ A7369 McDonald)**

This legislation would permanently carve out individuals served by the nursing home transition diversion (NHTD) and traumatic brain injury (TBI) waivers from the Medicaid managed care program. Recognizing the unique services and supports these individuals need, as well as the continuous delays over the years to transition this program into managed care, the current transition date, January 1, 2026, would be omitted and the DOH Commissioner would be authorized to take any action required to continue the provision of such services through waivers.

### **Upholding the Certificate of Need Process (A9204 Paulin/ S9049 Scarcella-Spanton)**

This legislation would clarify that no waiver of a regulation under title ten of the New York codes, rules, and regulations substitutes entities' obligation to meet public need, character and competence, or financial feasibility requirements for project approval. The purpose of the bill is to prevent the use of waivers under the hospital-home care-physician collaboration program to circumvent these long-established processes and administrative procedures.

### **Traumatic Brain Injury Delivery of Services Study (S1478 Hinchey/ A7215 McDonald)**

This legislation would require the DOH and OPWDD Commissioners to conduct a study on the delivery of services to individuals with traumatic brain injury (TBI) to evaluate the availability and quality of services, disparities, the process of coverage for these services, and more. DOH would be required to consult with people with TBI and their families, organizations representing such people, and providers of healthcare and other services to people with TBI and develop recommendations to enhance the State's response to TBI.

### **Advanced Residential Health Care for Aging Adults with Medical Fragility Demonstration Program (A10189-B Gunther/ S9519-A Scarcella-Spanton)**

This bill would establish an Advanced Residential Health Care for Aging Adults with Medical Fragility Demonstration Program to ensure that aging adults with medical fragility have long-term care options. The DOH Commissioner would be required to construct a new residential health care facility or repurpose existing facility(ies) for this program and eligible adult residential health care certificate of need applicants would be selected by the commissioner to participate in the program.

### **Medically Fragile Young Adults Discharge Requirement (A3674-A Pretlow/ S5969-A Harckham)**

This legislation would require a consultation prior to the discharge of medically fragile young adults and allow these individuals to remain in such facilities from age twenty-one until age thirty-six.

### **Nursing Home Closure Plan (A3703 Epstein/ S2984 Kavanagh)**

This bill would require the nursing home operator to notify the commissioner of DOH 90 days ahead of an anticipated closure. The notification shall include a proposed plan for closure, subject to the approval of the Commissioner, and describe procedures the operator will take to notify and assess nursing home residents affected by the closure. Also establishes that the operator shall take no action to close the nursing home prior to approval by the commissioner of the plan for closure.

## **HEALTH PROFESSIONS**

### **Controlled Substance Dispensing (A5984-B, McDonald/ S7177-B, Fernandez)**

This bill would allow clinicians working in a hospital without a full-time pharmacy to dispense three days of buprenorphine and methadone, consistent with the Drug Enforcement Agency (DEA).

### **Health Care Proxy (A7872-A, Paulin/ S8632-A, Hoylman-Sigal)**

This bill would require a patient's attending health care practitioner to counsel a patient receiving palliative care about the benefits of completing a health care proxy and appointing a health care agent.

### **HIV Testing (A8475, Paulin/ S7809, Hoylman-Sigal)**

This bill would expand the means allowed for providing the required notice that an HIV-related test will be performed to include verbally, in writing, or by electronic means or other appropriate form of communication. The notice must also include the information that HIV testing is voluntary and a notice that pre-and post-exposure prophylaxis medications (PrEP and PEP) are available to persons at risk of infection.

### **Clinical Labs, Blood Banks & Cytotechnologists (A9235-A, Paulin/ S8966-A, Rivera)**

This bill relates to certificates of qualification for clinical laboratories and blood banks, and work standards for cytotechnologists. The bill would set specific standards that meet federal requirements so New York can be exempt from the Clinical Laboratory Improvement Amendments. It would increase the licensing fee, remove certain cytotechnologist requirements and clarify the license categories and who can qualify for specific licenses.

### **Physician Assistants as PCPs under Medicaid Managed Care (S2124, Rivera/ A7725, Paulin)**

This bill would authorize Physician Assistants (PAs) to Serve as Primary Care Providers (PCPs) under Medicaid Managed Care.

### **Physician Assistant Expanded Practice (S9038-A, May/ A8378-A, Paulin)**

This bill would:

- Expand the ratio of PAs that a physician can supervise to 6:1 in private practice and 8:1 in Department of Corrections and Community Supervision (DOCCS) facilities;
- Authorizes PAs to prescribe or issue a non-patient specific standing order to registered professional nurses for immunizations, emergency anaphylaxis, PPD or other TB tests, HIV testing, Hepatitis C testing, naloxone or similar for opioid overdose, syphilis, gonorrhea and chlamydia screening, EKG tests, point of care glucose testing, administering tests/IV lines to persons with sepsis/septic shock, pregnancy tests and COVID-19 and flu tests;
- States that a PA employed/privileged by a hospital may write medical orders for DME under supervision of a physician; and

- The provision allowing PAs to issue standing orders to nurses for COVID-19/flu testing would expire 7/1/26.

**Workers Compensation Care by OT & PT Assistants (A1204-A, Zebrowski/ S9462-A, Ramos)**

This bill would allow occupational therapy assistants and physical therapist assistants to provide care to workers' compensation patients under the direction and supervision of an authorized provider (occupational therapist/ physical therapist).

**CoPays for OT/PT Care (S1470, Breslin/ S6345, Weprin)**

This bill would require that copayment or coinsurance amounts charged to an insured by state-regulated commercial insurance plans for physical therapy and occupational therapy services be no greater than the copayments/coinsurance imposed on an insured for services for an office visit for the service of a licensed primary care physician or osteopathic doctor for the same or a similar diagnosed condition.

**Permit Mobile Ambulance Services to Initiate Blood Transfusions (A5789-A, Woerner/ S6226-A, Hinchey)**

This bill would amend the public health law to permit ambulance services and advanced life support first response services that provide transportation by motor vehicle to store/distribute blood and initiate/administer blood transfusions, as is currently authorized for ambulance services that provide transportation by aircraft.

**Electronic Notice for Professional License Registration (A771-A, Hyndman/ S6112-A, Stavisky)**

This bill would amend education law to allow the State Education Department Office of the Professions to provide registration applications to licensees for each profession by means other than mail and requires applications to be mailed 45 days prior to the end date of a registration period to any licensee that has not yet registered.

**Expanded Supervision of Intravenous Administration of Contrast Media (A8247-C, Paulin/ S8470-A, Rivera)**

This bill would expand those authorized to provide direct supervision of radiologic technologists administering intravenous contrast media to nurse practitioners and physician assistants. Currently only physicians are authorized to supervise intravenous administration of contrast media.

**Routine Maternal Depression Care (S2039-B, Brouk/ A2870-B, Solages)**

This bill would direct DOH in consultation with OMH and other stakeholders to develop guidance for incorporating maternal depression screenings into routine perinatal care. The guidance would also specify when these services should be initiated and the frequency during pregnancy and postpartum. Guidelines would also include recommendations for screenings for social needs, substance use disorders, and related referrals as well as recommended reimbursement methodologies.

**Doula Access in Maternal Health Care Facilities (S5992-A, Persaud/ A6168-A, Solages)**

This bill would allow a pregnant person to designate a doula to be fully accessible to them in a maternal healthcare facility during delivery and/or inpatient care post-delivery.

**Allow Presence of Doulas During C-Sections (S5991-A, Persaud/ A7606, Solages)**

This bill would require maternal healthcare facilities to permit doulas to be present in the operating room while a cesarean section is being performed. Requires such facilities to publicly post this information as well as provide information packets in waiting areas.



### **Gender-Affirming Care Changes (S8058 Hoylman-Sigal/ A8627 Bronson)**

This bill makes several updates to the gender-affirming care protection law (S2475-B/ A6046-B) signed by Governor Hochul in June of 2023 including:

- Prohibiting a New York court from applying any law that authorizes a child to be removed from their parent because the parent allowed the child to receive gender-affirming care;
- Prohibits a court from considering a finding of "abuse, neglect, or maltreatment" that is based on a parent's consent to a child receiving gender-affirming care;
- Clarifies that a New York court may consider a finding of "abuse, neglect, or maltreatment" if the underlying conduct would be unlawful in New York State, even if that conduct occurred elsewhere;
- Standardizes the definition of gender-affirming care across several areas of law

### **Gittel's Law (A10105-B Berger/ S9294-A Fernandez)**

This legislation would expand the definition of mental health care provider to include licensed mental health counselors and a licensed marriage and family therapist. Broadening this definition will ensure patients are protected from exploitation and abuse in relation to certain sex offenses occurring between the provider and their patient.

## **SCHOOL-BASED HEALTH CENTERS**

### **Permanent MMC Carve-Out for School-Based Health Centers (A8862, Paulin/ S7840, Rivera)**

This bill would maintain the 25-year long status quo to allow School-Based Health Centers (SBHCs) to remain carved-out of the Medicaid Managed Care Program (MMCP) and to continue to receive Medicaid on a fee-for-service basis.

## **PHARMACY**

### **Controlled Substance Dispensing (A5984-B, McDonald/ S7177-B, Fernandez)**

This bill would allow clinicians working in a hospital without a full-time pharmacy to dispense three days of buprenorphine and methadone, consistent with the Drug Enforcement Agency (DEA).

### **Labels on OTC Medications (A1010-B, Weprin/ S8880-A, Sanders)**

This bill would make it unlawful for any retailer to knowingly alter, obstruct, obscure or remove, by means of a sticker, tag or other device used to deter theft, or a price sticker, any part of the label or packaging of any over-the-counter (OTC) drug or cosmetic as required by the federal Food, Drug and Cosmetic Act, and by the Food and Drug Administration's (FDA) rules and regulations that implement the Act's label requirements for such products.

### **Drug Adulterant Supplies (A8467-A, McDonald/S7833-A, Fernandez)**

This bill would add xylazine and other substances to the scope of drug adulterant testing supplies that can be dispensed by pharmacists and other health care professionals.

### **Shared Pharmacy Services (A9729, McDonald/ S9186, Stavisky)**

This bill would provide the general requirements, operations, notification to patients, drug storage and security, and policies and procedures for pharmacists and pharmacies engaging in shared pharmacy services.

**HIV Treatment Access (S1001-A, Hoylman-Sigal/ A1619-A, Rosenthal)**

This bill would prohibit state regulated commercial health insurance policies that provides coverage for antiretroviral prescription drugs prescribed for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) from subjecting such drugs to prior authorization.

**Network Pharmacy Use under Workers Compensation (S1974-A, Ramos/ A1219-A, Bronson)**

This bill would provide circumstances under which a claimant can obtain prescribed medications from out-of-network pharmacies under workers compensation if an employer or carrier fails to provide the required access for medication to the claimant. It also includes requirements for dispensation of medication by pharmacists and establishes liability for medication. Further, it requires the insurance carrier to pay the pharmacy directly within forty-five business days of approval of any dispensed medication.

**PBM Practices (S9040, Gounardes/ A9764, Rosenthal)**

This bill would prohibit Pharmacy Benefit Managers (PBMs) from disallowing pharmacists to discuss the cost of a patient's medication of service to the pharmacy from a manufacturer or PBM with a patient.

**PUBLIC HEALTH/ PATIENT CARE**

**Study on Cancer Clusters (A4219, Rivera/ S4193, Sanders)**

This bill would require DOH to conduct a study on the incidences of cancer clusters in cities and towns having a population over 90,000 people. The study shall include recommendations for evidence-based interventions to address the high burden of cancer clusters in each city and town included in the study. The study is required to be completed by September 30, 2024.

**Alzheimer's Disease Outreach and Education Program (S6504-A, Chu/ A3122-A, Sayegh)**

This bill would amend the public health law to include Alzheimer's disease and other related dementias to fall within the auspices of the Health Care and Wellness Education and Outreach Program. Would make such diseases eligible for community support services, including caregiver support groups and services, respite, care management, resources, etc.

**Breast Cancer Screening for Incarcerated Individuals (S204, Cleare/ A4957, Jean-Pierre)**

This bill would require that routine mammogram screenings be offered every two years at no cost to individuals housed in state and local correctional facilities. Requires the Department of Corrections and Community Supervision to provide incarcerated individuals with educational programs focused on the importance of preventative health care, including breast self-examinations.

**BEHAVIORAL HEALTH**

**Drug-Induced Movement Disorder (A6799-B, Paulin/ S8965-A, Rivera)**

This bill would require DOH to establish a drug-induced movement disorder screening and awareness program within the department under the health care and wellness education and outreach program. The program will promote education and awareness of drug-induced movement disorders and screening of these disorders. It will include the development and dissemination of educational materials for health

care providers regarding the treatment for drug-induced movement disorders. These educational materials would be developed in coordination with relevant health care provider groups.

**Order Not to Resuscitate (A8536, Gunther/ S8009, Rivera)**

This bill would clarify that order not to resuscitate apply to psychiatric hospitals and psychiatric units of general hospitals and maintain consistency with inter-institutional transfers consistent with the repealed Public Health Law 29-B, as well as update terminology used to refer to people with intellectual or developmental disabilities.

**Rural Suicide Prevention Council (S3587-A, Helming/ A7188, Gunther)**

This bill would establish a Rural Suicide Prevention Council which will include the Commissioner of Mental Health, the Commissioner of Health and the Commissioner of Agriculture and Markets or his or her designee. The Council would include 12 additional members, four of whom will be appointed by the Governor, three appointed by the Speaker of the Assembly, three appointed by the Temporary President of the Senate, one appointed by the Minority Leader of the Assembly and one appointed by the Minority Leader of the Senate. The Council would be tasked with examining the epidemic of suicide in rural New York and then creating a comprehensive plan to address it.

**Fentanyl Test Strips (S4393, Martinez/ S5004, Hyndman)**

This bill would require fentanyl test strips, as well as an informational card about fentanyl test strips and their uses, to be included in opioid antagonist distribution within opioid overdose prevention programs through the Commissioner of DOH.

**Definition Change (S4621, Sepulveda/ A1300, Aubry)**

This bill would conform the definition of an incarcerated individual with a serious mental illness to the definition of "person with a serious mental illness" in the mental hygiene law.

**9-8-8 Suicide and Crisis Lifeline/Text Line Higher Education Campaign (A6563-A Clark/ S1865-B Brouk)**

This bill would mandate higher education institutions to establish an education campaign to educate students, faculty, and staff about the 9-8-8 suicide and crisis lifeline and crisis text line. Institutions would be required to provide resources describing when to utilize these services and contact information for them on student identification cards - institutions that do not issue student IDs would annually distribute the contact information instead.

**Peer Service Qualification Program (A7395 Darling/ S9787 Brouk)**

This legislation would authorize Peer Service Qualification Programs within OMH to enable expanded Peer Services to support mental health services. It would also add new definitions of Adult Mental Health Peer, Family Mental Health Peer, Youth Mental Health Peer, Certified Mental Health Peer, Credentialed Family Peer, and Credentialed Youth Peer to the mental hygiene law.

**Children and Families Council Clarification (A8322 Hevesi/ S7452-A Persaud)**

This bill would make clear in statute that the Council on Children and Families (CCF) is a neutral, care-coordinating agency part of the executive department that convenes the state's human services, health, and education agencies to cooperatively and efficiently serve children and families. It also would update laws governing CCF's establishment, operations, and member agencies' names like the Justice Center for the Protection of People with Special Needs.

**Foster Care Reporting (A8484 Epstein/ S8084 Brisport)**

This legislation would require the Office of Children and Family Services to make publicly available on its website the number of youth placed in foster care settings, the reasons why youth have been placed in a foster care setting, the number of foster families certified in the state, information on the state's efforts to assist local social services districts to recruit and retain foster parents, and more through December 31, 2025.

## **DEVELOPMENTAL DISABILITIES/ SPECIAL EDUCATION SERVICES**

### **Order Not to Resuscitate (A8536, Gunther/ S8009, Rivera)**

This bill would clarify that order not to resuscitate apply to psychiatric hospitals and psychiatric units of general hospitals and maintain consistency with inter-institutional transfers consistent with the repealed Public Health Law 29-B, as well as update terminology used to refer to people with intellectual or developmental disabilities.

### **Early Intervention Program & Rate Adequacy Review (S1198-A, Rivera/ A10175, Paulin)**

This bill directs the Commissioner of Health to conduct a comprehensive study and review of the Early Intervention (EI) program including models of service delivery and the rates of reimbursement for each service and model made through the EI program for efficacy, adequacy and effectiveness of service delivery and the full implementation of IFSPs.

### **People with Disabilities Access to Programs Commission (A1200 Epstein/ S413 Thomas)**

This legislation would establish a People with Disabilities Access to Programs Commission made up of experts and stakeholders. The Commission would be required to examine, evaluate, and make recommendations to the Governor and Legislature for new laws to facilitate access to programs and services for New Yorkers that have disabilities.

### **Down Syndrome Awareness Program (A4138-A McMahon/ S593-A Ortt)**

This bill would create a Down syndrome awareness program and requires DOH to develop educational materials for health care practitioners to provide to pregnant women and parents of infants who test positive for Down syndrome. Information provided would include life expectancy, the clinical course description, expected intellectual and functional development, available intervention or treatment options, information hotlines specific to Down syndrome, resources and Down syndrome organizations, and any other information the office deems necessary.

### **Hospital Disability Accommodations Voluntary Needs Assessment (A8560-A Burdick/ S8666-A Mannion)**

This bill would require hospitals to ask whether patients have a disability that requires an accommodation under the Americans with Disabilities Act and provides patients with the option to opt-out if they do not wish to answer.

### **Individuals with Disabilities State Employment and Contracts Participation Report (A5815-B Epstein/ S6758-A Mannion)**

This bill requires the Office of General Services Commissioner to submit a report to the Legislature and Governor including data related to State employment of individuals with disabilities, their level of participation on State contracts, any policies and practices carried out by State contractors and subcontractors to promote employment of individuals with disabilities within their workforce, and the

compliance of State contractors and subcontractors with other equal opportunity requirements and anti-discrimination laws.

**Updating Maintained Records for Certain Children to Include Children with Developmental Disabilities and Subsequent Study (S8679-A Mannion/ A8846-A Hevesi)**

This legislation requires that records for certain abandoned, destitute, neglected, or dependent children include if a child has a developmental disability and requires the Office of Children and Family Services Commissioner, in consultation with the OPWDD Commissioner, conduct a study to determine the number of children who have been diagnosed with a developmental disability, demographics of such children, analyze current guidelines used to oversee their placement and treatment, and more. Recommendations on how to improve the placement and treatment of such children in foster care and maintaining records of such children from the study would be submitted to the Legislature and Governor within one year of the effective date of the act.

**Special Education Reserve Funds Correction (S9107-A Mayer/ A10315-A Shimsky)**

This bill would amend the education law to ensure that interest earned on funds held by special act school districts in reserve, as allowed by statute, are not counted against future State disbursements, enabling them to keep sufficient reserve funds and earn interest without affecting their tuition rate.

**Federal Individuals with Disabilities Education Improvement Act Provision Extension (A3982 Jackson/ S8796 Mannion)**

This legislation would extend provisions of the education law related to the implementation of the federal Individuals with Disabilities Education Act for three years until June 30, 2024 to ensure the State remains compliant and receives federal funding for students with disabilities.

**Independent Developmental Disability Ombudsman Program Modification (S3108-A Mannion/ A1577-A Buttenschon)**

This bill would amend the duties of the Independent Developmental Disability Ombudsman Program, including establishing a service delivery structure based in New York that includes a toll-free telephone hotline, website, and methods to contact ombudsman staff. Ombudsman staff would be accessible to the public to provide assistance navigating and complete processes to access services, filing and preparing appeals, representing individuals in appeals and hearings, as well as being responsible for collecting and tracking problems encountered by individuals. It is specified in the bill that only domestic, non-profit corporations would be eligible to submit proposals for this procurement and entities receiving funding from OPWDD to provide services to people with developmental disabilities, or to operate CCO, or that bill the Medicaid program for medical or healthcare services would be excluded from consideration.

**OPWDD Report on State-Operated Institutions and Staffing (S3105-A Mannion/ A9523 Seawright)**

This legislation would require OPWDD to submit a report assessing the ability of the agency to deliver needed services to individuals with developmental disabilities or to reduce the number of individuals with developmental disabilities awaiting placement for services in a state-operated residential facility. Such report would be required to be made publicly available and include the total number of full-time equivalent staff for OPWDD, full-time staff separated and hired from service, the number of vacant positions, a list of state-operated facilities operated by OPWDD, the number of eligible clients with developmental disabilities waiting to receive care, and other details.

**Mandated Reporter Training Timeframe Change (A8486 Hevesi/ S8049 Mannion)**

This bill would allow for an additional year for current mandated reporters to complete the training updated in 2023 to include information on recognizing the signs of abuse and neglect for children with a developmental or intellectual disability.

## **OTHER HUMAN SERVICES**

### **Safe Landings for Youth (S8724-B, Hoylman-Sigal/ A9321-B, Hevesi)**

This bill enacts the Safe Landings for Youth Leaving Foster Care Act. This bill amends multiple provisions of both the Family Court Act and the Social Services Law to grant the Family Court the authority to adjudicate motions made by certain former foster care youth to enforce Family Court orders that had been made in the best interest of those youth and young adults when they still were in foster care. Youth could bring such motions until they turn twenty-two or after the youth turns twenty-two upon a showing of good cause. The bill would ensure that the Family Court maintains jurisdiction to direct the commissioner of social services and contracting agencies to obey orders existing at the time a youth departs from foster care but that have not yet been executed, including orders to meaningfully assist youth in securing stable housing, preventing homelessness. The bill would also ensure that the Family Court's intent in issuing such orders is not thwarted by the failure of the commissioner of social services and contracting agencies to execute them in a timely fashion prior to a youth's twenty-first birthday.

### **Social Model Adult Day Services Program (A10142, Kim/ S9356, Cleare)**

This bill would enhance the State Office for the Aging's (SOFA) oversight capacity of social adult day care programs to ensure that any rules and regulations promulgated by SOFA apply to all such programs, regardless of their source of funding. Also requires SOFA to inspect each program once every 5 years to ensure it meets requirements.

### **Breast Cancer Screening for Incarcerated Individuals (S204, Cleare/ A4957, Jean-Pierre)**

This bill would require that routine mammogram screenings be offered every two years at no cost to individuals housed in state and local correctional facilities. Requires the Department of Corrections and Community Supervision to provide incarcerated individuals with educational program focused on the importance of preventative health care, including breast self-examinations.

### **Food Retail Establishment Subsidization for Healthy Communities Act (S3546, Kennedy/ A9069, Stirpe)**

This bill enacts the FRESH Communities Act to provide loans, subsidies and grants to businesses, municipalities, not-for-profit organizations, or local development corporations for the purpose of attracting or maintain food and grocery retail establishments that meet the minimum criteria in underserved areas.

## **INSURANCE/MEDICAID**

### **Health Insurance for Pregnant Individuals (A2656, Walker/ S201, Cleare)**

This bill would permit pregnant individuals to enroll in the state health insurance exchange during a special enrollment period without incurring fees or penalties.

### **Written Notice of Adverse Determination to Step Therapy Override Request (A8501, McDonald/ S8038, Breslin)**

This bill would require written notice of an adverse determination made by a utilization review agent in relation to a step therapy protocol override determination which includes the clinical review criteria

relied upon to make such determination to enhance this process for all entities involved and accountable.

**Prohibits Discrimination for PrEP Use (A8834-B, Weprin/ S8144, Breslin)**

This bill would prohibit discrimination against individuals who were prescribed PrEP medication for HIV prevention with respect to life, accident, and health insurance coverage.

**Step Therapy Rules (A901-A, McDonald/ S1267-A, Breslin)**

This bill would require a utilization review agent to follow certain rules when establishing a step therapy protocol and that the protocol accepts any attestation submitted by the insured's health care professional stating that a required drug has failed as sufficient evidence that the required drug has failed.

**Provider Network Data System (A7214, McDonald/ S3472, Rivera)**

This bill would update the Provider Network Data System to require that health care plan provider network information be included and authorize a designee to register, transmit, enter and update information on their behalf to improve compliance.

**HIV Treatment Access (S1001-A, Hoylman-Sigal/ A1619-A, Rosenthal)**

This bill would prohibit state regulated commercial health insurance policies that provides coverage for antiretroviral prescription drugs prescribed for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) from subjecting such drugs to prior authorization.

**Network Pharmacy Use under Workers Compensation (S1974-A, Ramos/ A1219-A, Bronson)**

This bill would provide circumstances under which a claimant can obtain prescribed medications from out-of-network pharmacies under workers compensation if an employer or carrier fails to provide the required access for medication to the claimant. It also includes requirements for dispensation of medication by pharmacists and establishes liability for medication. Further, it requires the insurance carrier to pay the pharmacy directly within forty-five business days of approval of any dispensed medication.

**Physician Assistants as PCPs under Medicaid Managed Care (S2124, Rivera/ A7725, Paulin)**

This bill would authorize Physician Assistants to Serve as Primary Care Providers (PCPs) under Medicaid Managed Care.

**Medicaid Ambulance Services (S 8486-C, Hinchey/A9102-C, Kelles)**

This bill would authorize Medicaid reimbursement to emergency medical service agencies for:

- providing emergency medical care to Medicaid enrollees without requiring the transportation of these patients from the location where the medical care was administered; and
- providing emergency medical care to Medicaid enrollees and transporting them to alternative destinations (locations other than a hospital), such as an urgent care clinic or mental health or rehabilitation facility.

**Workers Compensation Care by OT & PT Assistants (A1204-A, Zebrowski/ S9462-A, Ramos)**

This bill would allow occupational therapy assistants and physical therapist assistants to provide care to workers' compensation patients under the direction and supervision of an authorized provider (occupational therapist/ physical therapist).

**CoPays for OT/PT Care (S1470, Breslin/S6345, Weprin)**

This bill would require that copayment or coinsurance amounts charged to an insured by state-regulated commercial insurance plans for physical therapy and occupational therapy services be no greater than the copayments/coinsurance imposed on an insured for services for an office visit for the service of a licensed primary care physician or osteopathic doctor for the same or a similar diagnosed condition.

**Medicaid Coverage Reviews for Health Technologies/Services (A6022-A, Paulin/ S4787-A, Rivera)**

This bill would add a process by which providers of health technologies and services can be assured that their applications for Medicaid coverage are reviewed by DOH. The amendments require DOH to publish receipt of the application, to notify the Legislature when such reviews of coverage occur and sets timeframes for review by DOH. The bill would also require DOH to detail deficiencies in such application and notify the applicant of the completeness of application before review begins.

**Enhanced Insurance Coverage for Supplemental Breast Cancer Screening (A1696-C, Hunter/ S2465-C, Persaud)**

This bill would amend the insurance law to require individual, group, and Article 43 health insurance policies to cover supplemental breast cancer screening and diagnostic imaging via breast ultrasound or MRI, as recommended by a physician and nationally recognized clinical practice guidelines. The bill also exempts High Deductible Health Plans (HDHPs) from the prohibition against annual deductibles and coinsurance unless the deductible limit is reached, or if the service is considered preventive care by the IRS. This measure protects Health Savings Account eligibility for those with HDHPs. The bill has an effective date of January 1, 2026.

**Coverage for Prenatal Vitamins (A3865-A, Gunther/ S1965-A, Addabbo)**

This bill would amend the insurance law to require individual, group or blanket medical policies, and all contracts issued by corporations that provide prescription drug coverage, to provide coverage for prenatal vitamins, when prescribed by a health care practitioner. Such coverage would be subject to annual deductibles and coinsurance.

**Coverage for Tattooing Performed During Breast Reconstruction Surgery (A5729-A, Paulin/ S6146-A, Cleare)**

This bill would amend the insurance law to require commercial insurance coverage for tattooing of the nipple-areolar complex as part of breast reconstruction surgery, if such tattooing is performed by a licensed physician or other licensed or certified health care practitioner.

**Medicaid Coverage for Remote Ultrasound and Fetal Non-Stress Tests (A8168, Paulin/ S7690, Webb)**

This bill would amend social services law to require Medicaid coverage for remote ultrasound scans and remote fetal non-stress tests when recommended by a physician or other health care practitioner under Title 8 of the education law, for the purposes of improving maternal health outcomes and reduction of maternal mortality.

**Creative Arts Therapy Medicaid Billing (A9018, Bronson/ S8715, Brouk)**

This bill would authorize licensed creative arts therapists to bill Medicaid directly for their services.



**Coverage for Hair Preservation During Chemotherapy (S2063-A, Stavisky/ A38-A, Rosenthal)**

This bill would amend insurance law to require commercial health insurance coverage of scalp cooling devices used to preserve hair during chemotherapy treatment.

**PrEP Copayments (S9842 Hoylman-Sigal/ A10461 Simone)**

This bill would prohibit insurers from requiring copayments for PrEP as long as it has in effect a rating of 'A' or 'B' in the current recommendations of the U.S. Preventive Services Task Force.

**Epinephrine Auto-Injector Coverage (S7114-A Rivera/ A6425-A O'Donnell)**

This bill would require insurance coverage of epinephrine auto-injectors and sets a maximum copayment of \$100 annually for two epinephrine auto-injector devices, with an exemption for certain high deductible plans to comply with federal law.

**Human Donor Milk Expanded Coverage (A7790-A Solages/ S6674-A Hoylman-Sigal)**

This legislation would require individual, small group, large group, and Article 43 health insurance plans to cover outpatient use of pasteurized donor human milk to support preterm infants and mothers who have difficulty producing breast milk after they have left the hospital.