

Amend Senate S6358-A, Assembly A8558-A, A BUDGET BILL, AN ACT to amend the public health law, in relation to state aid to counties and New York City for provision of prenatal health care services to uninsured women.....

Page	Line	Amendment
Page 3,	Unnumbered line 22 (AN ACT CLAUSE),	After "programs;" insert "to amend social services law in relation to Community First Choice Option; to amend education law in relation to developing training curricula to educate certain home health aides; to amend public health law in relation to Developmental Disabilities Individual Care and Support Organization"
Page 4,	Unnumbered line 1 (AN ACT CLAUSE),	After "provisions;" insert "to amend the public health law in relation to potentially preventable negative outcomes"
Page 4,	Unnumbered line 30 (AN ACT CLAUSE),	After "(Part F);" strike out "and"
Page 4,	Unnumbered line 33 (AN ACT CLAUSE),	After "(Part G)" insert "; and to establish an alternative financing and construction method between the DOH and DASNY for the state's consolidated laboratory project (Part H)"
Page 4,	Line 4,	After "through" strike out "G" and insert "H"
Page 11,	Line 50,	After "3." insert "(a)"
Page 12,	Lines 5 and 6,	Strike out " <u>Funds may be distributed by the commissioner without a competitive bid or request for proposal process</u> " and insert " <u>(b) Notwithstanding any inconsistent provision of section one hundred sixty-three of the state finance law, the commissioner of health is authorized to enter into a contract or contracts under paragraph (a) of this subdivision without a competitive bid or request for proposal process, provided, however, that:</u> <u>(i) The department of health shall post on its website, for a period of no less than thirty days:</u> <u>(1) A description of the proposed services to be provided pursuant to the contract or contracts;</u> <u>(2) The criteria for selection of a contractor or contractors;</u> <u>(3) The period of time during which a prospective contractor may seek selection, which shall be no less than thirty days after such information is first posted on the website; and</u> <u>(4) The manner by which a prospective contractor may seek such selection, which may include submission by electronic means;</u> <u>(ii) All reasonable and responsive</u> "

		<u>submissions that are received from prospective contractors in timely fashion shall be reviewed by the commissioner of health; and</u> <u>(iii) The commissioner of health shall select such contractor or contractors that, in his or her discretion, are best suited to serve the purposes of this section."</u>
Page 26,	Lines 23 and 24,	After "2." strike out " <u>Notwithstanding any inconsistent provisions of sections one hundred twelve or one hundred sixty-three of the state finance law, the</u> " and insert " <u>The</u> "
Page 34,	Line 5,	After "(b)" insert "the amendments to paragraph (d) of subdivision 1 of section 2411 of the public health law made by section five of this act shall take effect on January 1, 2015; (c)"
Page 34,	Line 9,	Before "sections" strike out "(c)" and insert "(d)"
Page 34,	Line 16,	Before "the amendments" strike out "(d)" and insert "(e)"
Page 118,	Between lines 33 and 34,	<p>Insert "§ 27-a. A new paragraph (bb) is added to subdivision two of section 365-a of the social services law to read as follows:</p> <p style="padding-left: 40px;"><u>(bb) Subject to the availability of federal financial participation, services and supports authorized by the federal regulations governing the Home and Community-Based Attendant Services and Supports State Plan Option (Community First Choice) pursuant to 42 U.S.C. § 1396n(k).</u></p> <p>§ 27-b. A new subdivision 8 is added to section 365-f of the social services law to read as follows:</p> <p style="padding-left: 40px;"><u>8. Subject to the availability of federal financial participation, the provisions of this section governing consumer directed personal assistance services shall remain applicable to such services to the extent offered under the Home and Community-Based Attendant Services and Supports State Plan Option (Community First Choice) pursuant to 42 U.S.C. § 1396n(k).</u></p> <p>§ 27-c. Subparagraph (iii) of paragraph a of subdivision 1 of section 6908 of the education law, as amended by chapter 160 of the laws of 2003, is amended to read as follows:</p> <p style="padding-left: 40px;">(iii) the providing of care by a</p>

		<p>person acting in the place of a person exempt under clause (i) of this paragraph, but who does hold himself or herself out as one who accepts employment for performing such care, where nursing services are under the instruction of a licensed nurse, or under the instruction of a patient or family or household member determined by a registered professional nurse to be self-directing and capable of providing such instruction, and <u>services are</u> [any remuneration is] provided under section three hundred sixty-five-f of the social services law; or"</p>
Page 118,	Between lines 33 and 34,	<p>Insert "§ 27-d. Subparagraph (iv) of paragraph a of subdivision 1 of section 6908 of the education law, as amended by chapter 160 of the laws of 2003, is amended and new subparagraph (v) is added to read as follows:</p> <p>(iv) the furnishing of nursing assistance in case of an emergency; <u>or</u></p> <p>(v) <u>medication administration services provided by a home health aide in accordance with regulations developed in consultation with the commissioner of health which, at a minimum: (i) provide that only medications which are routine and premeasured or otherwise packaged in a manner that promotes relative safe ease of administration may be administrated under the program established pursuant to this subparagraph; (ii) provide that such medication administration services may be provided only to a self-directing individual under the supervision of a registered professional nurse licensed in New York State and employed by a home care services agency licensed or certified pursuant to article 36 or hospice program certified pursuant to article 40 of the public health law; (iii) provide that such medication administration services may be provided only in accordance with and pursuant to an authorized practitioner's ordered care; (iv) provide that only a home health aide who has at least one year of continuous experience as a certified home health aide and meets other appropriate qualifications may provide medication administration services; (v) establish minimum standards of training for medication administration services by home health aides, including (A) didactic training, (B) clinical training, and (C) a supervised clinical practicum with standards set forth by the commissioner; (vi) provide that only an individual who has successfully completed a competency examination satisfactory to the</u></p>

		<p>commissioner may provide medication administration services as permitted by this subparagraph; (vii) prohibit such home health aide from holding himself or herself out, or accept employment as, a person licensed to practice nursing under the provisions of this article; (viii) provide that such home health aide is not required nor permitted to assess the medication needs of an individual; and (ix) provide that the individual supervising registered professional nurse shall retain the discretion to decide whether to assign such tasks to home health aides under this program. In developing such regulations, the commissioner shall take into account the recommendations of a workgroup of stakeholders convened by the commissioner of health in consultation with the commissioner pursuant to paragraph (a) of subdivision 6 of section 3612 of the public health law for the purpose of providing guidance on the foregoing.</p> <p>§ 27-e. Subdivision 1 of section 6908 of the education law is amended by adding a new paragraph i to read as follows:</p> <p>i. <u>As prohibiting the practice of nursing in this state by an advanced home health aide, with respect to services specified in regulations developed in consultation with the commissioner of health and rendered in accordance with such regulations, where such regulations shall, at a minimum: (i) specify the services that may be provided by advanced home health aides certified pursuant to this paragraph; (ii) provide that such advanced home health aides may provide services only to a self-directing individual, assigned by and performed under the supervision of a registered professional nurse licensed in New York State and employed by a home care services agency licensed or certified pursuant to article 36 or hospice program certified pursuant to article 40 of the public health law; (iii) provide that such services may be provided only in accordance with and pursuant to an authorized practitioner's ordered care; (iv) provide that only a home health aide who has at least one year of continuous experience as a certified home health aide and meets other appropriate qualifications may be certified as an advanced home health aide; (v) establish minimum standards of training for advanced home health aides, including (A) didactic training, (B) clinical training, and (C) a supervised clinical practicum with standards set forth by the commissioner; (vi) provide that only an</u></p>
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		<p>individual who has successfully completed a competency examination satisfactory to the commissioner may be certified as an advanced home health aide under this subparagraph; (vii) prohibit such advanced home health aide from holding himself or herself out, or accept employment as, a person licensed to practice nursing under the provisions of this article; and (viii) provide that the individual supervising registered professional nurse shall retain the discretion to decide whether to assign such tasks to such advanced home health aides. Such regulations shall take into account the recommendations of a workgroup of stakeholders convened by the commissioner of health in consultation with the commissioner pursuant to paragraph (b) of subdivision 6 of section 3612 of the public health law for the purpose of providing guidance on the foregoing.</p> <p>§ 27-f. Subdivisions 6 and 7 of section 3612 of the public health law, subdivision 7 as renumbered by chapter 606 of the laws of 2003, are renumbered subdivisions 7 and 8 and a new subdivision 6 is added to read as follows:</p> <p>6 (a) The commissioner, in consultation with the commissioner of education, shall convene a workgroup of stakeholders for the purpose of providing guidance to the commissioner of education on the medication administration services authorized pursuant to subparagraph (v) of paragraph (a) of subdivision 1 of section 6908. The members of such workgroup shall include individuals from academic institutions with relevant expertise, representatives of home care and hospice providers and nurses, representatives of individuals who may be eligible to receive medication administration services provided by home health aides pursuant to such statute, and other relevant stakeholders.</p> <p>(b) The commissioner, in consultation with the commissioner of education, shall convene a workgroup of stakeholders for the purpose of providing guidance to the commissioner of education on the certification of advanced home health aides pursuant to paragraph (i) of subdivision 1 of section 6908 of the education law. The members of such workgroup shall include individuals from academic institutions with relevant expertise, representatives of home care and hospice providers and nurses, representatives of individuals who may be eligible to receive services provided by such advanced home health aides pursuant to such statute, and other relevant</p>
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		<p><u>stakeholders.</u></p> <p>§ 27-g. Subparagraph (v) of paragraph (a) of subdivision 1 of section 6908 of the education law, as added by section 27-d of this part, pertaining to medication administration services, paragraph (i) of subdivision 1 of section 6908 of the education law, as added by section 27-e of this part, pertaining to advanced home health aides, the amendments to subdivisions 6 and 7 of section 3612 of the public health law, as amended by section 27-f of this part, and subdivision 6 of section 3612, as added by section 27-f of this part, pertaining to the convening of workgroups, shall take effect October 1, 2015; provided, however, that the commissioner of health shall convene the workgroups referenced by new subdivision 6 as soon as practicable; provided, further, that the commissioner of education shall adopt or amend regulations necessary to implement the provisions of subparagraph (v) of paragraph (a) and paragraph (i) of subdivision 1 of section 6908 of the education law by such effective date; and provided, further, that no services may be provided under such provisions until such regulations are adopted or amended and only in conformance with such regulations.</p>
Page 118,	Between lines 33 and 34,	<p>Insert "§27-h. Paragraph b of section 4403-g of public health law, as added by section 73 of Part A of chapter 56 of the laws of 2013, is amended to read as follows:</p> <p>(b) "Eligible applicant" means an entity that either:</p> <p><u>(i) is controlled by one or more non-profit organizations which have a history of providing or coordinating health and long term care services to persons with developmental disabilities[.], or</u></p> <p><u>(ii) has received a certificate of authority pursuant to section 4403 or 4403-f of the public health law, and has the ability to provide or coordinate services for persons with developmental disabilities, as demonstrated by criteria to be determined by the commissioner and the commissioner of the office for people with developmental disabilities. Such criteria shall include, but not be limited to, adequate experience providing or coordinating services for persons with developmental disabilities. If the commissioner and the commissioner of the office for people with developmental disabilities determine that such organization lacks the experience required,</u></p>

		the organization shall have an affiliation arrangement with an entity or entities with experience serving persons with developmental disabilities such that the affiliated entity will coordinate and plan services operated, certified, funded, authorized or approved by the office for people with developmental disabilities or will oversee and approve such coordination and planning."
Page 121	line 14,	After " <u>section</u> " insert ", and identified by contract number C027596,"
Page 126,	line 6,	After " <u>section</u> " strike out "." and insert ";and (iv) No contract entered pursuant to this paragraph shall have a term that ends later than March thirty-first, two thousand seventeen."
Page 126,	line 26,	After "29." strike out " <u>Notwithstanding the provisions of sections one hundred twelve and one hundred sixty-three of the state finance law, or sections one hundred forty-two and one hundred forty-three of the economic development law, or any contrary provision of law, in</u> " and insert " <u>In</u> "
Page 126,	line 36,	After " <u>subdivision,</u> " strike out " <u>without a competitive bid or request for proposal process,</u> "
Page 126,	line 38,	After " <u>approval</u> " insert ". <u>Notwithstanding the provisions of sections one hundred twelve and one hundred sixty-three of the state finance law, or sections one hundred forty-two and one hundred forty-three of the economic development law, or any contrary provision of law, contracts may be entered or contract amendments may be made pursuant to this subdivision without a competitive bid or request for proposal process if the term of any such contract or contract amendment does not extend beyond March thirty-first, two thousand nineteen</u> "
Page 132	Line 5,	After " <u>provisions of</u> " strike out " <u>sections one hundred twelve and</u> " and insert " <u>section</u> "
Page 135	Between lines 41 and 42,	Insert "\$67-a. Subparagraph (v) of paragraph (b) of subdivision 35 of section 2807-c of the public health law, as amended by section 7 of part B of chapter 56 of the laws of 2013, is amended to read as follows: (v) such regulations shall incorporate quality related measures, including, but not limited to, potentially preventable re-

		<p>admissions (PPRs) and provide for rate adjustments or payment disallowances related to PPRs and other potentially preventable negative outcomes (PPNOs), which shall be calculated in accordance with methodologies as determined by the commissioner, provided, however, that such methodologies shall be based on a comparison of the actual and risk adjusted expected number of PPRs and other PPNOs in a given hospital and with benchmarks established by the commissioner and provided further that such rate adjustments or payment disallowances shall result in an aggregate reduction in Medicaid payments of no less than thirty-five million dollars for the period July first, two thousand ten through March thirty-first, two thousand eleven and no less than fifty-one million dollars for annual periods beginning April first, two thousand eleven through March thirty-first, two thousand [fourteen] <u>seventeen</u>, provided further that such aggregate reductions shall be offset by Medicaid payment reductions occurring as a result of decreased PPRs during the period July first, two thousand ten through March thirty-first, two thousand eleven and the period April first, two thousand eleven through March thirty-first, two thousand [fourteen] <u>seventeen</u> and as a result of decreased PPNOs during the period April first, two thousand eleven through March thirty-first, two thousand [fourteen] <u>seventeen</u>; and provided further that for the period July first, two thousand ten through March thirty-first, two thousand [fourteen] <u>seventeen</u>, such rate adjustments or payment disallowances shall not apply to behavioral health PPRs; or to readmissions that occur on or after fifteen days following an initial admission. By no later than July first, two thousand eleven the commissioner shall enter into consultations with representatives of the health care facilities subject to this section regarding potential prospective revisions to applicable methodologies and benchmarks set forth in regulations issued pursuant to this subparagraph;"</p>
Page 138,	Between lines 22 and 23,	Insert New Part H (LBD #71009-05-4)
Page 138,	Line 33,	After "through" strike out "G" and insert "H"