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## 2024 LEGISLATIVE RETROSPECTIVE



### Legislative Retrospective

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# 2024 Legislative Retrospective

## TABLE OF CONTENTS

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2	PRESIDENT'S LETTER
3	POLITICAL LANDSCAPE / BY THE NUMBERS
4	START OF THE SESSION
6	LEADING THE INDUSTRY: TALKING ABOUT MLTC REPEAL
8	REPRESENTING OUR MEMBERSHIP: THE MASTER PLAN FOR AGING
13	EMERGENCY DAY OF ACTION IN ALBANY
16	SUMMARY OF STATE BUDGET PROPOSALS & OUTCOMES
17	DOH MID-SESSION SHIFTS
18	NYS LEGISLATIVE SESSION: ONE MONTH
19	SUMMARY OF LEGISLATIVE OUTCOMES
20	LOOKING TO THE HORIZON

# A Letter from the President

New York's legislative landscape this year has been a veritable boxing arena, where diverse political interests and pressing social issues converged, forcing us to duck, weave, and stay on our toes. Setting the tone, Governor Hochul invoked Teddy Roosevelt's "Citizenship in a Republic" speech in her opening State of the State Address, likening herself to the "woman in the arena". This analogy presaged a tough budget fight, as the negotiations quickly turned into a bout of endurance and strategy.



The looming \$4.3 billion deficit was a heavyweight opponent, tempering our expectations. HCP stepped into the ring with a solid request for a 10% Medicaid rate increase for home care providers, hoping to counteract rising operational and wage costs. The governor's opening salvo—a staggering \$1.2 billion in Medicaid cuts, including an unallocated \$200 million slash in Medicaid long-term care funding—was as disappointing as it was disconnected from the wants and needs of New Yorkers. She followed with another heavy hit in her 30-day amendments, proposing to replace the Fiscal Intermediary (FI) procurement process with an authorization process and altering eligibility and participation criteria in the Consumer Directed Personal Assistance Program (CDPAP).

HCP's advocacy with legislative champions in both houses was evident when both the Senate and Assembly rejected the proposed Medicaid cuts, signaling a fierce budget battle centered around Medicaid spending. Despite widespread support in the legislature, the final round was decided by legislative leadership. The governor, along with Assembly Speaker Carl Heastie and Senate Majority Leader Andrea Stewart-Cousins, announced agreement on a state budget that included a Request for Offers (RFO) targeting Fiscal Intermediaries, threatening to fundamentally reshape the home care landscape should it be implemented. Our members and home care advocates from around the state rallied in unprecedented numbers to ensure a robust marketplace of providers. That fight continues in the courts and in the court of public opinion.

The unexpected became a persistent sparring partner. Yet, in the face of these relentless challenges, our members' dedication and resilience shone through. Together, we stayed in the fight, advocating for the resources and policies needed to sustain and grow our sector, and ensuring that quality care remained a cornerstone of our commitment to New Yorkers.

We had some significant victories this year! Along with battling back massive Medicaid cuts, we defeated a cut to Worker Wage Parity for Personal Assistants. We prevented hospitals from performing home care services without going through the proper process. We killed two legislative bills in committee. Our policy recommendations were robustly incorporated into the Master Plan for Aging. The bell has not yet rung, and HCP is ready for the next round.

I favor Roosevelt's lesser-known remarks made at the 1903 New York State Fair in Syracuse. "The welfare of each of us is dependent fundamentally upon the welfare of all of us." Our members never stop giving their all to provide care that New Yorkers need and want, and we will never stop fighting for our industry.

A handwritten signature in black ink, appearing to read "Kathy Febraio". The signature is fluid and cursive.

Kathy Febraio  
HCP President / CEO



# NYS POLITICAL LANDSCAPE

New York's legislative landscape leading up to the 2024 budget session was a dynamic and intricate arena where diverse political interests and pressing social issues converged. With a predicted \$4.3 billion deficit looming, the budget discussions were particularly charged, and advocates were warned that it was going to be a very challenging budget. Legislators from both sides of the aisle scrutinized Governor Kathy Hochul's proposals, which aimed to balance the budget by curbing spending growth in key areas such as education. Progressive factions pushed for higher taxes on the state's wealthiest residents, while the governor maintained her stance against new tax increases, arguing that the current tax burden was already substantial for New Yorkers. This fiscal tension set the stage for a complex and often opaque negotiation process where economic prudence had to be weighed against social equity and investment in essential services.

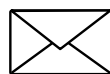
Amidst this fiscal backdrop, other significant issues shaped the legislative environment. The state grappled with a migrant crisis, widespread fear of crime including hate crimes, and the challenges of an aging population, all of which demanded urgent and effective policy responses. The Medicaid-funded home care sector, in particular, faced uncertainty with proposals that would significantly alter funding and service delivery models. As legislators engaged in budget hearings and negotiations, HCP mobilized to ensure that the voices of essential home care service providers were heard and considered in the final budget. This period of legislative activity was crucial for setting the state's priorities and ensuring that the budget reflected a balanced approach to fiscal responsibility and social welfare.

## BY THE NUMBERS



13

Take Action Alerts



7,367

Grassroots Messages  
to Lawmakers



6

News Alerts



6

Memos  
of Support



2

Memos  
of Opposition

# DATELINE: Start of the FY 2024-2025 State Budget Session

## HCP STATE BUDGET PRIORITIES

### Funding and Financial Stability

- Secure a 10% reimbursement rate increase for home care providers.

### Defeat any attempts to cut Medicaid funding for home care

- Inform MLTC-repeal discussions with the need for additional investment in home care, regardless of funding structure.

### Transparency and Accountability

- Pass and enact the Fair Pay Accountability Act S6963 (Rivera) / A7335 (Paulin).

### Workforce

- Ensure any increases to worker wages are paired with a commensurate increase in reimbursement.

## KEY DATES & EVENTS

1.1.24: New regional home care worker minimum wage and Worker Wage Parity rates take effect

OMIG releases 2024 Work Plan

CMS approves NY's 1115 Waiver Demonstration

## HCP ACTIVITIES

- Serve on Master Plan for Aging workgroups
- HCP Strategy Session: Regulatory Reform
- Meet with Department of Health

### *HCP Insider* REPORTS

- Minimum Wage and Salary Changes in Effect
- State of the State Preview
- 2024 Labor and Employment Law Updates
- Department of Health Meetings

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

Governor Hochul delivers her annual **State of the State Address**. Major goals: address persistent crimes, improve the state's mental health infrastructure, and protect New Yorkers' finances.

**1.16.24: Executive Budget Proposal** focuses on pragmatic and moderate policies amid a projected \$4.3 billion deficit, a migrant crisis, and widespread fear of crimes, including hate crimes. This year's budget agenda was consistent with the State of the State Address. However, it noticeably neglected home care, revealing a disconnect from the governor's Master Plan for Aging (MPA) vision. Worse, it included nearly a quarter billion dollars in unspecified cuts in long-term care and Medicaid.

**1.26.2024: Legislative Budget Hearing on Health**

## HCP ACTIVITIES

- WNY & NENY Chapter Meetings: Legislative Update

### **HCP Insider Reports**

- State of the State Address
- OMIG 2024 Work Plan
- NYS 1115 Waiver Approved by CMS

- Meet with Assm. Crystal Peoples-Stokes
- Meet with Sen. Health Committee
- Meet with Assm. Ways and Means Committee

**HCP News Alert:** Executive Budget Proposals

### **HCP Insider REPORTS**

- Executive Budget Proposal Analysis
- HCP's Master Plan for Aging Leadership
- Reminder: Home Care Worker Minimum Wage

**HCP President/CEO Kathy Febraio testifies**, advocating for a 10% Medicaid rate increase for home care. Her testimony focused on financial strain, emphasizing the flat-funding of the home care sector for over a decade despite rising operational costs and mandated wage increases.

**HCP Take Action Alert:** Home Care Needs a Lifeline

## HCP:

Leading the industry in adapting, evolving, and thriving within a changing health care environment

### TALKING ABOUT MLTC REPEAL

The idea of repealing NY's Medicaid Managed Long Term Care (MLTC) program has been around since the program's inception, with proposed alternatives in play including returning to a fee-for-service model and replacing the system with a statewide single-payor system. HCP's Public Policy Team noted increased interest in MLTC repeal with chatter about the Home Care Savings & Reinvestment Act, S7800 (Rivera) /A8470 (Paulin), introduced in late 2023.

The bill was championed by 1199/SEIU and opposed by MLTC plans, leaving our members wedged between two very powerful groups: labor and insurance. Agencies reported being approached by advocates of both positions, some aggressively requesting that the agency sign a letter to support or oppose the bill.

HCP's Public Policy Committee met to discuss the bill, and determined that HCP would keep its focus on the bigger picture: home care's need for adequate funding, regardless of payment system. The bottom line: any reforms to managed care must address sufficiency, sustainability, and transparency if they are to succeed.



*“Let’s ask if we have any water before we work on the plumbing. We need to have enough money to meet payroll before we talk about fixing the system.”*

- HCP President / CEO Kathy Febraio

Our members needed language to respond to requests and tactics to employ when pressured to take a position on the legislation. In response, we created “Home Care Talking Points: Speak Confidently and Consistently About Home Care Issues in the State Budget.” HCP's Public Policy Team provided guidance emphasizing the importance of pivoting the conversation to highlight broader funding needs. We delivered our guidance through our weekly *HCP Insider* and in-person at our Annual HCP Forum.

Regardless of individual members' position on the legislation, HCP offered support for crafting responses that align with the Association's broader advocacy goals. Through our online Advocacy Action Center, HCP provided tools and resources to help agencies engage with elected officials and advocate for the essential funding needed to sustain high-quality home care services. This message carried forward to our in-person Advocacy Day and was incorporated into our recommendations for the MPA.

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

2.16.2024: **Governor's 30-Day Amendments to the Executive Budget Proposal** are released. They include an addition to the Health and Mental Hygiene Article 7 bill that will require a complete overhaul of regulations governing fiscal intermediary (FI) services.

## HCP ACTIVITIES

**HCP Members Only Webinar: *The State of the State Budget***



- Meet with Department of Health
- WNY & NENY Chapter Meetings: Legislative Update

### **HCP Insider Reports**

- HCP Testifies at Legislative Health Budget Hearing
- Talking About MLTC Repeal

- Serve on Master Plan for Aging workgroups
- Attend SUNY Rockefeller's Institute of Government event: *Fiscally Focused: Forum on the FY 2025 New York State Executive Budget*
- Meet with 1199/SEIU to discuss MLTC Repeal

**HCP Take Action Alert:** Home Care Needs a 10% Rate Increase

### **HCP Insider REPORTS**

- State of the State Budget
- MLTC Report Calls for Overhauled Procurement Process
- NYC Workers Bill of Rights
- Update on COI in NHTD and TBI Waiver Programs
- Reminder: Home Care Worker Minimum Wage

- Meet with Assm. Health Chair Amy Paulin

### **HCP Insider Reports**

- Like a Ton of Bricks: Governor's 30-Day Budget Amendments Dropped
- Advocacy Day, Forum, PAC Events
- Bring Home Care to the Capitol



## HCP:

### Representing our membership by influencing the future of the home care industry

#### THE MASTER PLAN FOR AGING

In November 2022, an Executive Order launched the Governor's Master Plan for Aging (MPA), establishing a framework to support healthy lives for older adults and individuals across all sectors. Over 350 participants in 32 workgroups contributed thousands of volunteer hours, with many, including HCP, taking active roles and chairing key home-care-centered groups.

HCP's Public Policy team played a crucial role in the Long Term Supports and Services, Home and Community-Based Services, and Formal Caregiving subcommittees. Our impact is evident in the MPA's formal recommendations, which were iterated across various workgroups. HCP's policy priorities are reflected in MPA recommendations on equity, access to care, payor structure, and worker retention.

Key issues identified across many workgroups were investment in strategic initiatives and inadequate reimbursement for providers, limiting workforce recruitment and retention. Several workgroups supported the Fair Pay Accountability Act (S6963 Rivera / A7335 Paulin), a bill HCP helped develop, aiming to ensure fair compensation for home care workers, fair reimbursement to provider agencies, and improved transparency in Medicaid spending.

Recommendations spearheaded by HCP and iterated in other workgroups supported S328 (Rivera) / A6346 (Paulin). Introduced in 2023, this bill would expand access to services by removing certain restrictions on eligibility regarding activities of daily living.

Innovations in caregiver training were another focus, with many MPA workgroups suggesting career advancement and mentorship programs to improve job satisfaction and retention. These initiatives, including HCP's Legacy of Care Mentorship Program offered through our affiliate, the NYS Home Care Providers Foundation, aim to address the workforce challenges in New York's home care system. Additional recommendations included:

- Advocate with federal legislators for improved immigration policies based on proposals from the Bipartisan Policy Center (BPC)
- Conduct a study to better understand the impact wage increases have on safety net benefits the long term care workforce relies upon
- Provide services and supports to disconnected young adults to assist them in entering the LTC training programs
- State investment in a long term care caregiver recruitment campaign
- Expand the use of hybrid training programs including financial incentives for agencies

While the MPA itself appears to be stalled, HCP will continue to fight to advance many of the policy recommendations put forth in the process. Our goal is the success of our members, on whose behalf we will advocate for enhanced financial sustainability, reduced regulatory burdens, and increased data transparency. As we look ahead, HCP is dedicated to turning these recommendations into actionable change, striving to create a more equitable and sustainable home care system.

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

**2.27.2024: Economic and Revenue Reports** for State Fiscal Year (SFY) 2024 and SFY 2025 released, surpassing initial revenue estimates provided by the Executive Budget for SFY 2024 by a notable \$1 billion

**2.28.2024: Economic and Revenue Consensus Forecasting Conference.** Hugh Johnson Economics forecasts that New York State's economic growth is expected to accelerate to 1.9% in 2024 and then slow slightly to 1.7% in 2025. Employment growth is forecasted to slow to an increase of 0.1% to 0.9% in 2024 before slightly rebounding to an increase of 0.2% to 1.3% in 2025.

**3.1.2024:** Implementation of Conflict of Interest (COI) requirements in the 1915(c) waiver programs

## HCP ACTIVITIES

**2.26.2024: HCP Annual Home Care Forum.** HCP's Home Care Forum provided our members an opportunity to engage with newly appointed Department of Health personnel Michael Chittenden, Millie Ferriter, and Mike Jabonaski who shared their vision and plans for their new roles. A presentation shared by Frank Walsh, Acting Medicaid Inspector General, provided updates and information about OMIG audit protocols, the Compliance Program, and EVV enforcement. Participants prepared for Advocacy Day.

**2.27.2024: HCP Advocacy Day Brings Home Care to the Capitol**  
More than 60 HCP members united in Albany to champion critical issues affecting home care provision across New York State. Our concerted efforts aimed to address not only the urgent need for increased funding but also to staunchly oppose detrimental regulatory proposals that threatened the very fabric of home care services. Our Advocacy Day unfolded at the pivotal juncture between the unveiling of the governor's Executive Budget Proposal and the legislature's one-house budgets.

**HCP Take Action Alert:** Support HCP Members on Advocacy Day



# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS



**3.7.2024: President Biden delivers State of the Union (SOTU) Address.** The address highlighted the vital role of home care, advocating for improved access and recognition for caregivers. The administration allocated \$37B to expand home and community-based services and supports measures to ensure home care workers receive a fairer share of Medicaid payments.

## HCP ACTIVITIES

- Meet with NYS Health Plan Association regarding MLTC Repeal
- Attend Finger Lakes Regional Health Care Workforce Consortium
- Serve on Master Plan for Aging workgroups
- Meet with Department of Health

### *HCP Insider REPORTS*

- Elections Updates and Legislators on the Move
- Legislation on the Move
- Update on COI in NHTD and TBI Waiver Programs
- Reminder: Home Care Worker Minimum Wage
- State Economic Outlook Better Than Anticipated
- COI Requirements for NHTD/TBI Programs in Effect 3.1.2024

### *HCP Insider REPORTS*

- Step Two Policy Brief Analyzes Proposal to Repeal MLTCs

- WNY & NENY Chapter Meetings: Legislative Update
- Serve on Master Plan for Aging workgroups
- Meet with Department of Health

### *HCP Insider REPORTS*

- SOTU Focuses on Economy and Highlights Importance of Home Care
- Associations Increase Pressure on Feds to Rethink 80/20
- Joint Economic and Revenue Forecasting Report Issued
- Legislation on the Move
- Upcoming Elections and Lawmakers on the Move

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

3.11.2024: **Senate One-House Budget Released**  
3.12.2024: **Assembly One-House Budget Released**

3.15.2024: **Joint Budget Conference Committee(s) Announced**

3.18.2024: **1st Mothership Meeting.** The meeting of the General Conference Committee, known colloquially as the “mothership,” marks the start of the end phase of budget talks. This is when legislative leaders start making deals with the governor in order to agree on a spending plan.

3.19.2024: **Budget Committee Health Hearing**

3.26.2024: **Single Statewide Fiscal Intermediary proposal leaked**

## HCP ACTIVITIES

- Attend Senate Health Committee Meeting

**HCP News Alert:** One House Budget Bills

### **HCP Insider REPORTS**

- Biden Budget Proposal Implications for Home Care
- One House Budget Bills Set the Stage for Medicaid Battle

- Serve on Master Plan for Aging workgroups
- Meet with Department of Health
- Attend Budget Committee Health Hearing

**HCP Take Action Alert** asked lawmakers to stand firm in rejecting harmful provisions in the Executive Budget Proposal, like allowing home care without a license, cutting Worker Wage Parity for PAs in CDPAP, the proposed change to CDPAP procurement, and the unallocated cuts to the Medicaid.

**HCP Take Action Alert:** Urgent Advocacy: Governor Hochul, Listen to the Legislature!

### **HCP Insider REPORTS**

- State Budget Update: Medicaid, Funding Debates

**HCP Emergency Take Action Alert:** Oppose Single Statewide Fiscal Intermediary proposal

### **HCP Insider REPORTS**

- Budget Delayed: Medicaid and CDPAP Issues Unresolved

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

3.28.2024: 1st Budget Extender Passed;  
Debt Service Budget Bill signed

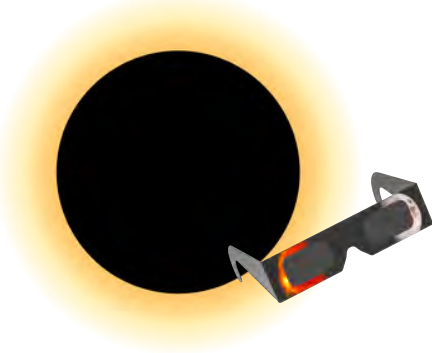
4.2.24: Presidential Primaries

4.4.24: 2nd Budget Extender Passed

4.5.2024: Earthquake felt in NYS

4.7.24: 3rd Budget Extender Passed

4.8.2024: Total Solar Eclipse



4.11.2024: 4th Budget Extender Passed

## HCP ACTIVITIES

### HCP Take Action Alerts:

- Take Action Now for Critical State Budget Priorities
- Budget May Leave CDPAP, FIs in the Dark
- Act Now to Protect Consumer Choice and Care Quality!

### HCP Insider REPORTS

- State Budget or Solar Eclipse: Lawmakers Left in the Dark
- Tuesday's Presidential Primaries Reflect Apathetic Electorate

- Serve on Master Plan for Aging workgroups
- WNY & NENY Chapter Meetings: Legislative Update
- Meet with Department of Health
- CDPAP/FI Stakeholders Meeting

**HCP In the News:** Empire Report: *Home Care, Consumer Groups Oppose Eliminating Fiscal Intermediaries Caring for the Elderly and New Yorkers with Disabilities across the State*. HCP President and CEO Kathy Febraio quoted.

### HCP Insider REPORTS

- State Budget Update
- State Budget Proposal Puts Home Care in Peril
- One House Budget Bills Set the Stage for Medicaid Battle

**“Preserving the integrity of our home care system is not just a matter of policy; it’s a commitment to the well-being of our citizens.”**

- HCP President / CEO Kathy Febraio  
*Empire Report 4.12.2024*

## HCP: Representing our membership by influencing the future of the home care industry



**4.12.2024:** HCP membership calls for Day of Action to oppose Single FI in CDPAP. Staff, members, stakeholders meet throughout the weekend to plan and mobilize.

**HCP News Alert:** In-Person Action Planned for Monday

**HCP Take Action Alert:** Supporting Monday's Day of Action

### EMERGENCY DAY OF ACTION IN ALBANY

On April 15, over 300 advocates for home care, including associations, providers, lobbyists, lawyers, vendors, banks, insurers, and caregivers, gathered in Albany to rally against a proposal to consolidate Fiscal Intermediary (FI) services under one entity.

Urged by a heartfelt personal plea from HCP Board Member and Long Island Chapter President Julian Hagmann, advocates from across New York and beyond quickly mobilized, demonstrating their commitment to preserving the integrity of a strong FI marketplace, safeguarding consumer interests, and supporting home care in a concerted effort that spanned four hours, advocates conducted rolling walk-ins to every legislative office, engaging lawmakers and leaving behind informative materials to bolster their opposition to FI consolidation. As legislators transitioned from the Legislative Office Building to the Capitol, they were met with chants of "No to One FI!" and a sea of signs championing the cause. The solidarity among diverse stakeholders, united in pursuit of a common goal, infused the atmosphere with optimism and determination.

Complementing in-person advocacy efforts, over 1,000 online activists mobilized that day, amplifying the message to lawmakers and Governor Hochul through digital channels. This coordinated approach left an indelible impression and underscored the breadth of support for the cause.

We wish to especially note the hard work of our planning group who worked throughout the weekend to make sure that Monday's Day of Action was impactful. From drafting press releases to organizing a scripted press conference, their meticulous preparation was instrumental in rallying support. Notable individuals include Julian Hagmann (Caring Professionals), Bryan O'Malley (Consumer Directed Action of NYS), Bob Reid (Reid, McNally, and Savage), Carolyn Kerr (Brown and Weinraub), and Steve Malito (Davidoff, Hutcher, and Citron) and of course, HCP's Public Policy Team.

# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

4.15.2024: 5th State Budget Extender Passed

Governor announces “Conceptual Agreement” on State Budget- includes Single FI, creates Commission on the Future of Health Care

4.17.2024: News breaks that Assembly Speaker Heastie reopened discussion on CDPAP

NYS Legislature Targeted by Cyberattack

4.18.2024: 6th State Budget Extender Passed

Budget Bills Printed:

- Public Protection & General Gov’t (PPGG)
- Transportation, Economic Development, & Environment (TEDE)
- Revenue

## HCP ACTIVITIES

**HCP News Alert:** Bitter Budget Deal Brokered

**HCP Press Release:** Budget Deal Spells Disaster for Home Care Businesses and Consumers

**HCP Insider REPORTS**

- State Budget Update: Finish Line in Sight

- Meet with Department of Health
- Serve on Master Plan for Aging workgroups

**HCP Take Action Alert:** State Budget Negotiations Deadlocked

**HCP Insider REPORTS**

- State Budget Update: Labor
- CMS Final Access Rule
- Nationwide Ban on Noncompete Agreements

New HCP Website Goes Live



# DATELINE: FY 2024-2025 State Budget Session

## KEY DATES & EVENTS

4.20.2024: \$237B State Budget Passed  
(Fiscal Year 2024-25)

## HCP ACTIVITIES

- WNY & NENY Chapter Meetings: Legislative Update
- Meet with Department of Health
- Meet with 13Thirty
- Serve on Master Plan for Aging workgroups
- CDPAP/FI Stakeholders Meeting

### **HCP Insider REPORTS**

- Managed Care Merger Will Have Trickle-Down Effects
- Change Healthcare Cyber Attack Update

**HCP News Alert:** NYS Budget Finalized

### **HCP Insider REPORTS**

- NY's \$237B Budget Brokered
- Budget: Labor Items
- CMS Final Access Rule
- FTC Issues Nationwide Noncompete Agreement Ban
- Paycheck Protection Loan Audits Expected

**HCP Members Only Webinar:**  
*Deciphering the Budget 2024-25:  
Implications for Home Care Providers*





# Summary of State Budget Proposals and Outcomes

## MEDICAID PROPOSALS

- Cut \$200 million from Medicaid Long-Term Care plus an additional unallocated \$200 million.
  - **HCP Position: Strongly opposed.**
  - Outcome: The Senate and Assembly rejected and bought back the cuts by imposing a tax on MCOs.
- Repeal the 30-Day Look-Back Period for Medicaid Home Care Services:
  - HCP did not take a position.
  - Outcome: Rejected in the enacted budget.
- OMIG Audit of Home Care Providers' EVV Compliance:
  - **HCP Position: Requested reforms to OMIG audit practices.**
  - Outcome: No EVV penalty revenue for 2024; penalties for non-compliance will add \$20 million in 2025.



## CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM (CDPAP) PROPOSALS

- Repeal the Fiscal Intermediary RFP, replace it with an authorization process, and impose various restrictions.
  - **HCP Position: Strongly opposed.**
  - Outcome: Creation of a Statewide Fiscal Intermediary with limited subcontractors, rejecting most of the other proposals.
- Eliminate PAs from Worker Wage Parity
  - **HCP Position: Opposed.**
  - Outcome: Rejected, but may be impacted by broader changes to CDPAP.



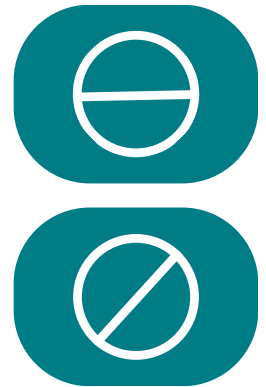
## HOSPITAL/HOME CARE/PHYSICIAN COLLABORATION PROGRAM PROPOSAL

- Allow hospitals to provide home care without a license.
  - **HCP Position: Opposed.**
  - Outcome: Rejected in the enacted budget.



## MANAGED CARE PROPOSALS

- **Impose a tax on Managed Care Organizations (MCO) to generate approximately \$4 billion over three years.**
  - HCP did not take a position.
  - Outcome: Enacted budget creates the Healthcare Stability Fund to receive \$350 million from the MCO tax, pending federal approval.
- **Moratorium on MLTC Applications**
  - HCP Position: HCP did not take a position.
  - Outcome: Rejected in the enacted budget.



## DOH MID-SESSION SHIFTS

In the wake of the budget's enactment, two noteworthy changes were announced by DOH:

- On May 3, 2024, Adam Herbst, Deputy Commissioner of the Department of Health's Office of Aging and Long-Term Care (OALTC), announced his resignation. During his tenure, Herbst was instrumental in establishing the OALTC and co-leading the Master Plan for Aging initiative. Carol Rodat, formerly Special Advisor to Herbst, took a leadership role in the newly established Center for Hospice and Palliative Care.
- On May 9, 2024, the Department of Health announced changes in the payment structure for administrative services provided by Fiscal Intermediaries (FIs) under the Consumer Directed Personal Assistance Program (CDPAP). Intended to start on July 1 but subsequently delayed until August 1, FIs will bill plans for the administrative portion of their reimbursement, and plans will bill DOH according to a set fee schedule. The wage component of an FI's reimbursement will continue as an hourly rate but will be renegotiated with the administrative component removed. Plans must pass through the entire DOH administrative payment to providers. This change also signifies that the Department is serious about reigning in administrative costs in CDPAP.



# State Legislative Session: One Month

A late state budget often means a compressed legislative session. Lawmakers prefer to be back in their districts for the summer, especially in election years, and this year was no different. It was unlikely that the legislative session would be extended, leaving scant time to address the fallout of the state's budget enactment. Once lawmakers returned from a brief break, they hit the ground running moving legislation quickly. HCP sent letters to legislative leaders stressing our strong support for legislation critical to home care, including our suite of priority bills.

With less than a month and only 18 session days left on the legislative calendar HCP remained committed to addressing several key issues outside the state budget, to accomplish as much as possible within the limited timeframe. These objectives collectively aimed to strengthen the home care system, ensuring fair practices, financial stability, and high-quality care for all individuals who rely on these essential services.

## KEY LEGISLATIVE PRIORITIES

**Goal: Improve the reimbursement rate-setting process, making it more transparent, predictable, and sustainable.**

- Fair Pay Accountability Act: S6963 (Rivera) / A7335 (Paulin)

**Goal: Reform the audit practices of the Office of the Medicaid Inspector General (OMIG).**

- OMIG Audit Reform: S5329A (Harckham) / A6813 (Paulin)

**Goal: Affirm the right of home care agencies to choose their billing vendors.**

- Billing Entity Choice Bill: S6123 (Rivera) / A5750 (Paulin)

**Goal: Maintain established administrative oversight by preventing waivers for hospitals in collaborative programs to bypass standard procedures.**

- S9049 (Scarcella-Spanton) / A9204 (Paulin)

## 2023-2024 LEGISLATIVE SESSION BY THE NUMBERS

This is the end of a 2-year legislative session. Any bills not acted upon will need to be reintroduced in the next session. Many bills that have been passed in both houses will be delivered to the governor over the summer and fall.



24,030 bills introduced



981 signed into law



115 bills vetoed  
by the governor  
as of 7.31.2024

# Summary of Legislative Outcomes



## Preventing Waivers Under the Hospital-Home Care-Physician Collaboration Program S9049 (Scarcella-Spanton) / A9204 (Paulin)

- **HCP Position: Support**
- Outcome: Passed, awaits delivery to Governor



## Fair Pay Accountability Act: S6963 (Rivera) / A7335 (Paulin)

- **HCP Position: Strong Support**
- Outcome: Stalled in Senate Health and Assembly Ways and Means Committees



## Health Emergency Response Data System (HERDS) Data Transparency: S5732 (Skoufis) / A5370 (Paulin)

- HCP Position: Support
- Outcome: Passed, awaits delivery to Governor



## Billing Entity Choice: S6123 (Rivera) / A5750 (Paulin)

- **HCP Position: Strong Support**
- Outcome: Stalled in Senate Committee, laid aside on Assembly Floor



## OMIG Audit Reform: S5329 (Harkham) / A6813 (Paulin)

- **HCP Position: Support**
- Outcome: Passed, awaits delivery to Governor



## MLTC Data Transparency: S09266 (May) / A10176 (Gonzalez-Rojas)

- **HCP Position: Support**
- Outcome: Stalled in Senate Health and Assembly Ways and Means Committees



## Maximum Hours for Home Care Aides: S6561 (Persaud) / A6899 (Epstein)

- **HCP Position: Oppose**
- Outcome: Stalled in Senate and Assembly Labor Committees



## Extend Worker Wage Parity to Upstate: S5777 (Skoufis) / A5811 (Meeks)

- **HCP Position: Oppose**
- Outcome: Stalled in Senate and Assembly Health Committees

## Looking to the Horizon

As we prepare to celebrate HCP's 50th Anniversary, we welcome fresh opportunities to advance education, foster industry unity, and engage with key stakeholders to enhance the home care sector's visibility and sustainability. November's elections will bring new faces in both houses of the legislature. We will call on our members to humanize and localize these efforts by developing relationships with lawmakers in their communities. Demonstrating the value and desirability of home care is a priority, leveraging data to highlight how New Yorkers prefer to age and the financial and cultural benefits of community-based care. Look for updated tool kits to empower you to be a strong voice for your business and our industry.

The past year has shown that the "three people in a room" model of state budget-making is back, and our advocacy will reflect a shift that focuses on legislative leadership. Board members and key contacts will be asked to foster relationships at the leadership level, creating a dual-track approach that engages lawmakers at every level.

Through our updated bylaws, HCP will add new members to the Public Policy Committee bringing a new cache of expertise and energy to our policy initiatives. We will continue our drive toward sustainability, accountability, transparency, and regulatory relief. The new year is also the start of a new legislative cycle and we will press for strategic bills including the Fair Pay Accountability Act and the MLTC Data Transparency bill. HCP will continue to grow strong relationships with the Department of Health as personnel changes and additions continue.

More than anything, the past year has demonstrated the need for unity across the home care spectrum. HCP's purpose, to represent our membership by influencing the future of the home care industry; to lead the industry in adapting, evolving and thriving within a changing health care environment; and to set the industry standards for quality, cost-effective client care, is our North Star. Our industry's well-being relies fundamentally on the well-being of each and every member.

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## ABOUT HCP

Founded in 1974, HCP represents home and community-based care providers across New York State through advocacy, information and education. HCP's Provider members include Licensed Home Care Service Agencies (LHCSAs), Certified Home Health Agencies (CHHAs), and health related organizations (HROs), as well as Associate members that provide products and services specifically developed for home care providers. HCP is also supported by a strong network of regional Chapters that build community at the local level and provide essential grassroots support for HCP's advocacy efforts.

### Legislative Retrospective

Published by the New York State Association of Health Care Providers, Inc.  
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