
January 28, 2026
HCP Memo 2026-1

MEMO IN STRONG SUPPORT

A8137 (Paulin) / S7874 (Rivera)

AN ACT to amend the public health law, in relation to payment for work performed by a personal care aide or home health aide with Temporary Protected Status or other visa status

POSITION

The New York State Association of Health Care Providers, Inc. (HCP) **STRONGLY SUPPORTS** this legislation.

SUMMARY OF PROVISIONS

Section 1 of the bill would add a new subdivision 5 to section 3614-f of the public health law.

This legislation would require insurers to pay licensed home care services agencies (LHCSAs) for authorized home care services provided by personal care aides or home health aides employed by the agency, **regardless of the worker's Temporary Protected Status or other federal visa status**, as defined under federal law and regulation—provided that the LHCSA has made **good-faith efforts** to verify the worker's employment eligibility in accordance with federal statutes and regulations.

The bill further prohibits insurers from recouping payments for home care services delivered pursuant to this subdivision and requires that payments be made to LHCSAs **regardless of the availability of federal funds**.

JUSTIFICATION

Home care workers are the backbone of New York's long-term care system. They enable older adults and people with disabilities to remain safely in their homes, preserve dignity, and avoid unnecessary institutional care. A significant portion of this workforce consists of immigrant caregivers who are legally authorized to work under Temporary Protected Status or other federal visa programs. These workers—overwhelmingly women—are often experienced caregivers who have dedicated years to serving New York's most vulnerable residents.

The New York State Association of Health Care Providers, Inc. (HCP) is a statewide trade association representing the full spectrum of home and community-based care providers through information, advocacy, and education. HCP represents licensed home care services agencies, certified home health agencies, fiscal intermediaries, hospices, and related health organizations. Through a strong network of regional chapters and an active State office in Albany, HCP is a primary authority of the home health care industry.

When a caregiver's federal immigration status changes unexpectedly due to court rulings or federal administrative actions entirely outside the control of the worker or employer, LHCSAs that acted in good faith are often penalized. Insurers retroactively recoup payments for services that were properly authorized, fully delivered, and essential to patient well-being. This practice is deeply unfair and destabilizing.

Patients do not stop needing care because of changes in federal paperwork. Services have already been rendered, care plans followed, and continuity maintained. Retroactively denying payment undermines the stability of the home care system and places patients at risk by pushing already-strained agencies closer to financial crisis.

A.9630 offers a reasonable and balanced solution. It ensures that insurers honor payment for authorized services when LHCSAs have made good-faith efforts to verify employment eligibility in compliance with federal law. This protects patients from service disruptions, shields workers from indirect punishment, and prevents agencies from absorbing devastating financial losses for circumstances beyond their control.

At a time when New York is experiencing severe home care workforce shortages and recent rate reductions, the State cannot afford policies that further destabilize care delivery.

CONCLUSION

Supporting A.9630 means standing up for patients who depend on reliable home care, workers who show up every day to provide it, and agencies striving to operate responsibly and lawfully under challenging conditions.

HCP urges the Legislature to pass A.9630 (Paulin) without delay.

About HCP

Through advocacy, information, and education, HCP leads the home care industry in adapting, evolving, and thriving in an ever-changing healthcare environment. We set standards for quality, cost-effective care and firmly believe that patients achieve the best outcomes when cared for at home.