

NEW YORK STATE ASSEMBLY

2

0

2

2

Committee On
Health

Carl E. Heastie • Speaker
Richard N. Gottfried • Chair



ANNUAL REPORT



RICHARD N. GOTTFRIED
75TH ASSEMBLY
DISTRICT

CHAIR
COMMITTEE ON
HEALTH

NEW YORK STATE ASSEMBLY

822 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248
TEL: 518-455-4941 FAX: 518-455-5939

250 BROADWAY, RM. 2232, NEW YORK, NY 10007
TEL: 212-312-1492 FAX: 212-312-1494

E-MAIL: GottfriedR@nyassembly.gov

COMMITTEES:
RULES
HEALTH
HIGHER EDUCATION
MAJORITY STEERING

CHAIR
MANHATTAN
DELEGATION

December 15, 2022

Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Room 932
Albany, New York 12248

Dear Speaker Heastie:

I am submitting the 2022 Annual Report of the Assembly Committee on Health. This was a substantial year as the Committee strove to advance measures that would address the short and long-term adversities which stemmed from, or were exacerbated by, the COVID-19 pandemic. Additionally, the Committee protected and promoted the health of all New Yorkers by acting on policies that will advance health equity across the state. Likewise, the Committee undertook legislation to reinforce our health care system against current and future challenges, recognizing the lessons learned and best practices from the pandemic. With these goals in mind, the Committee was successful in securing the passage of a host of measures to improve and ensure consistent, quality health care throughout New York state.

As always, the Committee relied on the work of the Committee Members, the Committee staff, the Program and Counsel staff, the Codes and Ways and Means Committees, and the cooperation of Ranking Minority Member Kevin Byrne and the other members of the Minority. Note that the list of committee staff in the report does not include Mischa Sogut, who had been our Legislative Director, Kayleigh Zaloga, who had been a Legislative Associate, and Jennifer Sacco, who had been Assistant Secretary for Program and Policy with Program and Counsel. They went on to other positions mid-year.

On behalf of myself and the other members of the Committee, I thank you for your leadership and support during the Legislative Session.

Very truly yours,

Richard N. Gottfried
Chair
Committee on Health



New York State Assembly

Committee on Health

2022 Annual Report

Richard N. Gottfried
Chair

Albany, New York

**NEW YORK STATE ASSEMBLY
CARL E. HEASTIE, SPEAKER
RICHARD N. GOTTFRIED, CHAIR
COMMITTEE ON HEALTH**

Health Committee Members

Majority

Thomas Abinanti
Rodneyse Bichotte Hermelyn
Edward C. Braunstein
Kevin A. Cahill
Steven Cymbrowitz
Jeffrey Dinowitz
Sandra R. Galef
Jessica González-Rojas
Richard N. Gottfried, Chair
Aileen M. Gunther
Andrew D. Hevesi
John T. McDonald III
Amy R. Paulin
Karines Reyes
Daniel Rosenthal
Linda B. Rosenthal
Nader J. Sayegh
Michaëlle C. Solages
Phillip Steck

Minority

Jake Ashby
Kevin M. Byrne, Ranking Minority Member
Marjorie Byrnes
Jarett Gandolfo
Josh Jensen
David G. McDonough
John Salka

Health Committee Staff

Sherri Salvione, Legislative Director
Monica Miller, Senior Legislative Associate
Kathryn Curren, Committee Clerk
Christina Coppola, Administrative Assistant

Program and Counsel Staff

Janice Nieves, Assistant Secretary for Program and Policy
Steven Methe, Principal Analyst
Sarah Conklin, Administrative Assistant

Table of Contents

<u>Section</u>	<u>Page Number</u>
1. Summary Sheet	3
2. Final Action for Committee on Health Bills in 2022	4
3. Public Hearings and Roundtables of 2022	12

SECTION I

2022 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Health

TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 8

FINAL ACTION

ASSEMBLY
BILLS

SENATE
BILLS

TOTAL
BILLS

BILLS REPORTED FAVORABLE TO:

CODES	13	0	13
JUDICIARY	0	0	0
WAYS AND MEANS	42	0	42
RULES	5	0	5
FLOOR	33	0	33
TOTAL	93	0	93

COMMITTEE ACTION

HELD FOR CONSIDERATION	25	0	25
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	10	0	10
REMAINING IN COMMITTEE	439	18	457

BILLS REFERENCE CHANGED TO:

TOTAL	2	0	2
--------------	---	---	---

SECTION II

Final Action for Committee on Health Bills in 2022

Important Note: The “Descriptions” in this section should not be relied on or used for any purpose other than to indicate generally the subject matter of the bill. At the time this Report goes to press, several bills that passed the Assembly and Senate are still awaiting action by the Governor.

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.157 (Gottfried) S.1589 (Rivera)	Provide that a medical, dental, or podiatric qualified group practice may operate a malpractice prevention program.	Reported to Codes
A.224 (Rosenthal, L.) S.603 (Rivera)	Authorize the Department of Health (DOH) and local health departments to approve qualifying entities to operate as safer consumption services programs.	Reported to Codes
A.865 (Gottfried) S.1606 (Rivera)	Clarify that existing liability protections for physician participants in the Medical Society of the State of New York’s Committee for Physicians Health program, the New York State Osteopathic Society, or a county medical society extend to the organizations and their agents.	Passed Assembly
A.880-A (Gottfried) S.1572 (Rivera)	Expand eligibility for the Essential Plan to include immigrants regardless of their immigration status.	Reported to Ways and Means
A.1615 (Perry) S.213 (Persaud)	Require physicians to inquire and document as part of their patient registration/admission, the name and address of the school attended by school-aged patients.	Advanced to Third Reading / Enacting Clause Stricken
A.1880-A (Dinowitz) S.2534-A (Rivera)	Require DOH and the State Education Department to develop an LGBTQ+ competency training program unit for the certification of home health aides, nurses aides, personal care aides, and personal care staff.	Delivered to the Governor
A.1887 (Dinowitz) S.1021 (Kaminsky)	Prohibit the sale of flavored smokeless tobacco within five hundred feet of any public or private school.	Reported to Rules
A.2159 (Dinowitz)	Require election for registration in the Donate Life Registry to be included on various state forms.	Reported to Rules
A.2440 (Reyes) S.4935 (Rivera)	Authorize persons or entities to carry and administer rescue inhaler treatment devices for emergency treatment of individuals experiencing an asthma attack or other respiratory disease symptom.	Delivered to the Governor
A.2620 (Thiele) S.956 (Gaughran)	Provide for the reimbursement of state assistance payments made to a municipality for an eligible project to remove water contaminants when the municipality takes legal action against a responsible party to recover costs.	Delivered to the Governor

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.3511-A (Peoples-Stokes) S.3530-A (Kennedy)	Expand the definition of “enhanced safety net hospital” to include qualifying acute children’s hospitals licensed by DOH for the provision of pediatric and neonatal services.	Delivered to the Governor
A.4551-B (O’Donnell) S.1256-B (Gianaris)	Require the testing of potable water for lead contamination in all state and local parks at least once every three years.	Reported to Ways and Means
A.5828 (Reyes) S.410-A (Biaggi)	Establish a Minority Coordinating Council on Asthmatic Affairs to address asthma issues facing minority communities.	Veto 69
A.6442-C (Abinanti) S.8591-A (Krueger)	Amend provisions of the New York State Medical Indemnity Fund (MIF) to institute a new enrollee orientation, provide clarification of qualifying health care costs, improve reimbursement procedures, and make permanent enhanced reimbursement rates.	Delivered to the Governor
A.6551-B (Solages) S.2238-B (Brooks)	Establish a policy which the state pays New York State Veteran’s Homes to reserve a bed for an eligible individual while the individual is temporarily hospitalized.	Chapter 586
A.7375-B (Steck) S.5128-B (Harckham)	Require the DOH to collect, publish, and share data related to non-fatal overdoses and expand real-time overdose surveillance to include overdose trends.	Reported to Codes
A.7527-A (Seawright) S.8278 (Hoylman)	Expand the Health Care and Wellness Education and Outreach Program under DOH to include the impact of nonemergent medical procedures performed on individuals with variations in sex characteristics.	Advanced to Third Reading / Rules Cal. 310
A.7584 (Weprin) S.2772 (Sepulveda)	Prohibit the DOH and the NYC Bureau of Vital Statistics from charging a fee for the issuance of vital records from individuals released on parole.	Reported to Ways and Means
A.7813 (Solages) S.3866 (Kennedy)	Require airports to provide a private nursing space for lactating birthing people in each passenger terminal.	Chapter 373
A.7883-B (Gottfried) S.6446-B (Reichlin-Melnick)	Establish the Eating Disorders in Children Task Force to develop recommendations and best practice guidelines for appropriate screening and education for children with eating disorders.	Advanced to Third Reading / Rules Cal.314
A.7886 (Gottfried) S.7012 (Gaughran)	Establish a majority rules system for the disposition of human remains.	Chapter 191
A.7889-A (Gottfried) S.4486-B (Harckham)	Establish additional due process protections for providers and Medicaid recipients under audit or investigation by the Office of the Medicaid Inspector General.	Veto 89

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.7892-A (Gunther) S.7023-A (Mannion)	Require the Commissioner of Health (COH) to conduct a study to review the rates of reimbursement made through the Medicaid program for durable medical equipment, orthotics, prosthetics, and supplies program.	Advanced to Third Reading / Rules Cal. 410
A.7910 (Gottfried)	Provides for increased transparency in the annual capitated rate development process for Medicaid managed care plans.	Reported to Rules
A.7916-A (Peoples-Stokes) S.6921-A (Breslin)	Require written in-person or electronic notification be provided to individuals upon enrolling, amending, or revoking registration under the Donate Life Registry for anatomical gifts	Chapter 649
A.7976-A (Seawright) S.7614 (Krueger)	Authorize National Cancer Institute-designated cancer centers to contract and be included in the provider network of any health plan offering coverage through the New York State of Health Exchange.	Advanced to Third Reading / Cal.64
A.8001 (Gottfried) S.6861 (Mannion)	Repeal the utilization threshold rate reduction on Office for People with Development Disabilities clinics.	Reported to Ways and Means
A.8006 (Gottfried) S.7626 (Rivera)	Authorize residents of assisted living programs to access hospice services while remaining in the facility.	Chapter 667
A.8079 (Woerner)	Expand the definition of the term “store and forward technology” as it relates to the delivery and reimbursement of telehealth services.	Reported to Ways and Means
A.8136-B (Paulin) S.3966-B (Reichlin-Melnick)	Require all non-regulated camps to check whether a potential employee or volunteer is listed on the state sex offender registry prior to the individual beginning work.	Chapter 248
A.8173-C (Gonzalez-Rojas) S.7372-B (Hinchey)	Require the DOH to publish information related to home care services usage for the Medicaid program on a quarterly basis.	Reported to Ways and Means
A.8203-A (Gunther) S.1409-B (Rivera)	Establish the maternal-infant care centers pilot program which requires DOH and OASAS to designate at least 4 maternal-infant care centers to provide neonatal care to infants experiencing drug withdrawal symptoms.	Passed Assembly
A.8280-C (McDonald)	Authorize EMTs to administer COVID-19 and influenza vaccinations while overseen or approved by DOH or local health departments.	Reported to Rules
A.8339-A (Gonzalez-Rojas) S.7378-A (Harckham)	Require that information collected as part of the annual Opioid Stewardship Fund report be published on the Department of Health’s website.	Delivered to Governor

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8392-A (Paulin) S.3010-A (Ramos)	Provide for an insurance premium reduction for physicians and licensed midwives who complete a DOH approved risk management strategies course in obstetrics or midwifery.	Delivered to Governor
A.8441 (Gottfried) S.7625 (Rivera)	Require hospitals to expand financial assistance access, eligibility and protections for patients, and require use of a uniform financial assistance policy and application as a condition of participation in the indigent care pool fund.	Reported to Ways and Means
A.8472 (Gottfried) S.9387 (Krueger)	Prohibit future establishment or increased capacity of for-profit hospices.	Delivered to Governor
A.8536 (Gottfried) S.7628 (Salazar)	Expand the membership of the Public Health and Health Planning Council (PHHPC) to include a representative of women's health service providers.	Chapter 179
A.8564-A (Fernandez)	Reduce the threshold for blood lead reference value for elevated levels to reflect updated CDC guidance.	Reported to Ways and Means
A.8572-A (Gunther) S.9200 (May)	Authorize personal caregiving visitors designated by patients to visit the hospital during a declared public health emergency when visitation restrictions may be implemented.	Passed Assembly
A.8604 (Forrest) S.8157 (Cleare)	Establish that coverage and access to non-invasive prenatal testing under Medicaid is not limited based upon the age of the pregnant patient.	Chapter 650
A.8641 (Gottfried) S.7356-A (Hinchev)	Direct the DOH and OPWDD to conduct a study on the availability, accessibility, and delivery of services provided to individuals diagnosed with traumatic brain injury.	Advanced to Third Reading / Cal.616
A.8642 (Jackson) S.8232 (Salazar)	Require mastectomy surgery, lymph node dissection or lumpectomy counseling to include information related to going breastless and having an aesthetic flat closure.	Passed Assembly
A.8671 (Stirpe) S.7513 (Meyer)	Increase reimbursement rates for private duty nursing services provided to medically fragile adults.	Reported to Ways and Means
A.8702 (Bronson) S.7761 (Savino)	Clarify that mental health counselors and marriage and family therapists acting within their scope of practice may bill Medicaid for their provided services.	Chapter 97
A.8732 (Peoples-Stokes) S.7890 (Hinchev)	Authorize the registration of anatomical gifts on a manual renewal application through the state's health benefit exchange.	Chapter 37
A.8733 (Paulin) S.7696 (Brouk)	Prohibit the application of pesticide to any playground, athletic field, or playing field at children's overnight or day camps.	Chapter 71

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8762 (Kelles) S.7774 (Reichlin-Melnick)	Clarify when a school is authorized to batch download immunization records to verify a student’s eligibility for admission.	Chapter 44
A.8774 (Fall) S.7817 (Savino)	Require the DOH to study the delivery of ambulatory and other medical care in response to the COVID-19 pandemic.	Chapter 122
A.8775 (Burke) S.7726 (Skoufis)	Direct the COH to implement an infection inspection control audit and checklist on nursing homes which is consistent with federal guidelines.	Chapter 152
A.8776 (Rosenthal L.) S.7798 (Hinchey)	Require DOH and OASAS to submit an annual report on the health risks of excessive alcohol consumption and alcohol overdoses including demographic information and data on emergency room utilization.	Chapter 113
A.8787 (Woerner) S.7717 (Kavanagh)	Clarify that general hospitals and nursing homes must meet the federal standards for antimicrobial stewardship programs in health care facilities for infection prevention and control.	Chapter 83
A.8788 (Woerner) S.7839 (Hinchey)	Establish that qualified medical and health personnel operating within an ambulance service may administer blood transfusions while providing air transportation service.	Chapter 61
A.8826 (Burdick) S.7888 (Harckham)	Require the DOH to publish information on home care service competency exams, education and training programs on their website.	Chapter 64
A.8832 (Gottfried) S.7690 (Skoufis)	Require the COH to regulate additional chemical compounds on the list of Emerging Contaminants in public drinking water by 2024.	Chapter 69
A.8833 (Gottfried) S.7840 (Rivera)	Authorize the COH to grant certain school buildings waivers from potable water testing requirements if the school district has complied with testing requirements.	Chapter 130
A.8834 (Gottfried) A.7885 (Rivera)	Clarify when a health equity impact assessment is necessary in the application of certain hospital projects and require applicants to publish their health equity impact assessment on their website.	Chapter 137
A.8835 (Gottfried) S.7835 (Rivera)	Require prospective midwifery birth centers to submit an application with the Public Health and Health Planning Council (PHHPC) for approval as an Article 28 facility.	Chapter 127
A.8836 (Gottfried) S.7694 (Rivera)	Establish criteria by which a newborn would be required to be screened for glucose-6-phosphate dehydrogenase deficiency.	Chapter 70
A.8837 (Gottfried) S.7708 (Rivera)	Exclude “source plasma donation centers” from certain requirements related to blood banks and clinical laboratories.	Chapter 77

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8838 (Gottfried) S.7837 (Breslin)	Provides for amendments to the licensure of pharmacy benefit management, including new minimum standards and the creation of the pharmacy benefit manager regulatory fund.	Chapter 128
A.8839 (Wallace) S.7886 (May)	Expand accessibility to the nursing home patient's bill of rights and the contact information for the Long-Term Care Ombudsman program and patient complaint hotline.	Chapter 66
A.8880-A (Wallace) A.8205-A (Hinchey)	Expand the DOH Health Care and Wellness Education and Outreach Program to include a statewide advanced care planning campaign to promote awareness of hospice and palliative care.	Chapter 406
A.8881-A (Wallace) S.8206-A (Hinchey)	Establish the Office of Hospice and Palliative Care Access and Quality within the DOH.	Veto 58
A.9023 (Gottfried)	Provides for independent assessment of person-centered service plans for long term care assistance.	Reported to Ways and Means
A.9093 (Gottfried) S.8466 (Rivera)	Authorize midwives and physician assistants to certify the birth and cause of death on fetal death certificates if they are in attendance during or after a fetal death.	Advanced to Third Reading / Cal. 457
A.9098-A (Paulin) S.8751 (Brouk)	Require the COH to publish and maintain all annual statistical data on maternity-related procedures from hospitals and birth centers from the previous five years on the DOH website.	Chapter 382
A.9148 (Gottfried) S.8295 (Rivera)	Provides for the integration of home care in primary care, public health, and health care delivery planning.	Reported to Ways and Means
A.9231 (Steck) S.8251 (Ryan)	Eliminate the fee for burial or removal permits issued from the electronic death registration system paid by funeral directors and undertakers.	Delivered to Governor
A.9245-A (Gottfried) S.8228-A (May)	Expand eligibility for the Medicare Savings Program by disregarding certain countable income for qualifying Medicare beneficiaries.	Reported to Ways and Means
A.9256 (O'Donnell) S.4766 (Parker)	Provide presumptive Medicaid eligibility to youth leaving court ordered placement for up to 60-days post-release.	Reported to Ways and Means
A.9288 (Gottfried) S.8447 (Rivera)	Provide that services provided by school-based health centers shall not be provided to medical assistance recipients through managed care programs.	Delivered to Governor
A.9289 (Gottfried) S.6973 (Rivera)	Require periodic reviews of pending applications for material change in the coverage status of certain matters relative to new health technology assessment or medical evidence.	Reported to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.9290 (Forrest) S.8813 (Rivera)	Require adult care facilities to include demographic information, including race or ethnicity, in certain admission and discharge records maintained by the facility.	Chapter 260
A.9293 (Gottfried) S.8861 (Rivera)	Establish a specialized health home program to serve Medicaid eligible adults with physical disabilities, neurological, muscular, or neuromuscular condition, and mobility impairment.	Reported to Ways and Means
A.9294 (Gottfried) S.8438 (Rivera)	Expand Medicaid eligibility to infants up to the age of three.	Reported to Ways and Means
A.9297 (Gottfried)	Require that certain contracts providing health related services under DOH are subject to all applicable state laws related to competitive bidding requirements.	Reported to Ways and Means
A.9298-A (McDonald) S.8290-A (May)	Authorize the Commissioner of Health to establish a portable diagnostics program to demonstrate the cost-effectiveness of portable diagnostics to Medicaid enrollees.	Veto 61
A.9380 (Paulin) S.8455 (Brouk)	Require DOH to develop and maternal health care providers to distribute written information about episiotomy to maternity patients.	Passed Assembly
A.9397-A (Gottfried) S.8368-A (Rivera)	Provide for enrollment of eligible incarcerated persons in the Medicaid Program or other medical assistance programs.	Passed Assembly
A.9442-A (Gottfried) S.9207 (Rivera)	Require the COH to publish a public notice on their website and through the state register prior to finalizing any changes to the terms, conditions, or time frames contained in the model contract with Medicaid managed care providers.	Delivered to Governor
A.9475 (Reyes) S.8639 (Brouk)	Require the DOH to apply for federal approval for expenditures for school-based early and periodic screening, diagnosis and treatment, care, and supplies under the Medicaid program.	Reported to Ways and Means
A.9542 (Gottfried) S.8903 (May)	Establish a state-level program and licensure for all-inclusive care for the elderly for persons 55 years of age or older, qualifying for nursing home levels of care who wish to remain in their community.	Delivered to Governor
A.9604 (Gottfried) S.8937 (Brisport)	Authorize runaway or homeless youth under the age 18 who are receiving approved crisis or support services to consent to medical, dental, health and hospital services.	Delivered to Governor
A.9606 (Tapia)	Require physicians and authorized practitioners attending to pregnant patients, to order a syphilis test for their patient during the third trimester of pregnancy.	Passed Assembly
A.9677 (Tapia) S.1172-C (Rivera)	Expand the current patient's bill of rights for general hospital patients.	Chapter 618

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.9697-A (Griffin) S.8633-A (Comrie)	Establish the nightlife opioid antagonist program to allow certain establishments to apply and receive an opioid antagonist, free of charge, for administration during an emergency.	Delivered to Governor
A.9714-A (Paulin) S.8866 (Brouk)	Establish the cesarean births review board and provide such board shall be comprised of multidisciplinary experts to review the rate of cesarean births at hospitals in the state.	Reported to Ways and Means
A.9722 (Reyes) S.8618 (Rivera)	Require the Department of Health to immediately reclassify any Schedule I substances on the state-controlled substance schedule in the event that the substance is redesignated to a lower schedule under the federal Controlled Substances Act.	Delivered to Governor
A.9764 (De Los Santos) S.9185 (Rivera)	Provide for renaming the Office of Minority Health under the DOH to the "Office of Health Equity" and redefines the mission and scope of the Office.	Chapter 523
A.9974 (Gottfried) S.8869 (Rivera)	Require general hospitals and ambulatory surgery facilities to adopt and implement policies to prevent exposure to surgical smoke.	Delivered to Governor
A.10107 (Rosenthal, L.) S.8700-A (Skoufis)	Prohibit the packaging, sale and distribution of confectionery and candy designed to resemble a tobacco product.	Reported to Codes.
A.10152 (Fernandez) S.8978 (Rivera)	Require the COH to develop a uniform financial liability form to be used by hospitals and a uniform financial assistance application and establish a maximum interest rate threshold for medical debt from hospitals.	Chapter 293
A.10186 (Gunther) S.8805 (Breslin)	Require space for donate life registration on forms used for enrollment, renewal, disclosures and related health insurance policy transactions.	Delivered to Governor

SECTION III

Public Hearings and Roundtables of 2022

Subject: Joint Budget Conference Subcommittee Meeting on Health
Joint Meeting with the Assembly Committee on Health, the Assembly
Committee on Insurance, the Assembly Committee on Aging, the Senate
Committee on Health, the Senate Committee on Insurance, and the Senate
Committee on Aging.

Date/Place: March 15 - Virtual Hearing