

NY ASSEMBLY RELEASES ITS BUDGET PROPOSAL

Hodgson Russ Home Care Alert
March 12, 2019

The New York State Assembly has released its much-anticipated budget proposal (the “Proposal”). In many respects, the Proposal serves as the Assembly’s formal response to the Executive’s budget proposal, which was issued in January. As relevant to fiscal intermediaries and home care providers, the Proposal:

1. Contains no limitations on what entity can serve as a fiscal intermediary.
2. Amends the Wage Parity Law to cover workers serving as home health aides in traumatic injury programs (TBIs).
3. Amends the definition of “long term care entity” to include fiscal intermediaries, licensed home care agencies under Article 36 of the Public Health Law, and any “other long term care provider authorized under a home and community based waiver administered” by the DOH or the Office for People with Developmental Disabilities.
4. “Long term entities,” as newly defined in the Proposal, that contract with MLTCs would be required to submit annual written certifications to the DOH as a component of costs reports, explaining how it applied any recruitment and retention funds.
5. Requires that MLTCs “ensure” that home care agencies and fiscal intermediaries that have received R&R funding ensure that such funds are used for recruitment, hiring, training and retention of staff, “including compliance with all applicable federal and state laws and regulations, including but not limited to, those relating to wages and labor.” A MLTC that contracts with a “long term entity” (as defined in the Proposal to include agencies and fiscal intermediaries) would have to submit, along with its cost report, a report showing its “method of compliance” with this requirement.

We are reviewing the Assembly’s Proposal in greater detail and will issue additional information as it becomes available.

As we have noted in previous alerts, the 2019-20 fiscal year starts on April 1, 2019. The State’s Budget must be finalized by March 31, 2019, but with March 29 being a Friday, it is likely that we could receive the final budget on Friday, March 29, 2019. Please stay tuned for additional information.

Attorneys

Jane Bello Burke
Reetuparna Dutta
Rob Fluskey
Peter Godfrey
John Godwin
Michelle Merola
Kinsey O'Brien
Matthew Parker
David Stark
Amy Walters
Sujata Yalamanchili

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