

NEW YORK STATE ASSEMBLY

ANNUAL REPORT

2020



COMMITTEE ON
HEALTH

CARL E. HEASTIE
SPEAKER

RICHARD N. GOTTFRIED
CHAIR



NEW YORK STATE ASSEMBLY

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RICHARD N. GOTTFRIED
75TH ASSEMBLY
DISTRICT

CHAIR
COMMITTEE ON HEALTH

December 15, 2020

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

Dear Speaker Heastie:

I am submitting the 2020 Annual Report of the Assembly Committee on Health. This was an extraordinary year and the Committee sought to advance additional measures to address the emerging health crisis caused by the COVID-19 pandemic while simultaneously balancing the needs to address significant fiscal challenges faced by the state. Despite these challenges, the Committee sought to continue to maintain the overall goal of improving and ensuring consistent, quality health care throughout New York State.

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

Very truly yours,

Richard N. Gottfried
Chair
Committee on Health



New York State Assembly

Committee on Health

2020 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

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Charles Barron
Rodneyse Bichotte
Edward C. Braunstein
Kevin A. Cahill
Steven Cymbrowitz
Jeffrey Dinowitz
Sandra R. Galef
Richard N. Gottfried, Chair
Aileen M. Gunther
Andrew D. Hevesi
Ellen C. Jaffee
Ron Kim
Amy R. Paulin
Linda B. Rosenthal
Nader J. Sayegh
Robin L. Schimminginger
Michaëlle C. Solages
Phillip Steck

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Jake Ashby
Kevin M. Byrne, Ranking Minority
Member
Marjorie Byrnes
Andrew Garbarino
David G. McDonough
Melissa Miller
John Salka

Health Committee Staff

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

Program and Counsel Staff

Jennifer Sacco, Assistant Secretary for Program and Policy
Janice Nieves, Associate Counsel
Anthony Kergaravat, Principal Analyst
Sarah Conklin, Administrative Assistant

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SECTION I

2020 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Health

TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 7

FINAL ACTION

ASSEMBLY
BILLS

SENATE
BILLS

TOTAL
BILLS

BILLS REPORTED FAVORABLE TO:

CODES	9	0	9
JUDICIARY	0	0	0
WAYS AND MEANS	19	0	19
RULES	12	0	12
FLOOR	18	0	18
TOTAL	58	0	58

COMMITTEE ACTION

HELD FOR CONSIDERATION	41	0	41
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	16	0	16
REMAINING IN COMMITTEE	477	16	493

BILLS REFERENCE CHANGED TO:

TOTAL	1	0	1
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SECTION II

Final Action on Committee on Health Bills in 2020

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.

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1149 (Gottfried) S.2056 (Savino)	Authorizes licensed or certified practitioners that are allowed to prescribe a controlled substance to be able to certify a patient for medical marihuana.	Advanced to Third Reading
A.2338 (Wallace)	Requires health clubs with a membership of 50 or more to have at least one automated external defibrillator that is readily accessible.	Reported to Codes
A.2355-A (Gunther)	Authorizes residents of a nursing home to install an electronic monitoring device. The device would be allowed to capture pictures or video of the patient's personal space. Audio recording would require written consent from all roommates.	Reported to Rules
A.2770-C (Bichotte) S.8525 (Montgomery)	Requires hospitals to diagnose and admit expectant mothers in preterm labor and provide such patients with information regarding the potential health effects of pre-term labor and pre-term delivery.	Chapter 348
A.2788-A (Gottfried) S.4972-A (Rivera)	Requires Medicaid managed care and managed long term care plans to provide for minimum wage increases to long term care providers and fiscal intermediaries in their contracts prior to when a new wage increases go into effect.	Reported to Ways and Means
A.2824 (Gottfried)	Provides for coverage of medical marihuana under Medicaid, Child Health Plus, the Insurance Law, the Workers' Compensation System, and Elderly Pharmaceutical Insurance Coverage (EPIC), and the Essential Plan unless it is determined that coverage of medical marihuana under the Essential Plan will result in the loss of federal financial participation.	Reported to Ways and Means
A.2865 (Abinanti)	Establishes a positive drug test for marihuana cannot be the basis for determining impairment related to a hiring decision or disciplinary action for a certified patient participating in the medical marihuana program.	Advanced to Third Reading
A.2885 (Abinanti) S.3682 (Harckham)	Requires county health commissioners to notify appropriate local officials in the event of a health emergency.	Passed Assembly
A.3040-A (Vanel) S.8723 (Sanders)	Requires water works corporations to post water supply statements online.	Chapter 57

A.3361 (Abinanti) S.5334-A (Comrie)	Requires all state agencies to consider the right to safe, clean, affordable, and accessible water for human consumption, and sanitary purposes when revising, or establishing policies, regulations, and grant criteria.	Advanced to Third Reading
A.4416-C (Gottfried) S.3460-A (Rivera)	Authorizes the Department of Health (DOH) to take certain actions to strengthen enforcement in certain adult care settings. Additionally, the bill increases certain civil penalties for adult care facilities found to be in violation of state requirements.	Reported to Codes
A.6677-B (Gottfried) S.5546-A (Rivera)	Reforms the indigent care pool funding distribution methodology, which is intended for hospitals that disproportionately serve Medicaid patients and the uninsured.	Reported to Ways and Means
A.7214-A (Paulin) S.5032-A (Hoylman)	Expands the definition of tissues that are currently regulated by state law to include embryos.	Reported to Rules
A.7514 (Simotas) S.6247 (Kruger)	Allows a birth certificate to be issued with the name of the physician redacted, if the physician has lost their license due to professional misconduct.	Passed Assembly
A.7798-A (Gottfried) S.5915-A (Rivera)	Provides a 10% increase in the base episodic rates and the individual rates for Medicaid payments to certified home health agencies (CHHA), and establishes standards for third-party payers under Medicaid.	Reported to Ways and Means
A.7807-A (Epstein) S.5397-A (Hoylman)	Requires physicians, nurse practitioners, and physician assistants that have the primary responsibility for the treatment of a patient with epilepsy to provide the patient with written information on sudden unexpected death in epilepsy, risk factors and conditions that have been developed by the Commissioner of Health (COH), as well as contact information for nonprofit organizations that provide information and support services for epilepsy conditions.	Advanced to Third Reading
A.7812-A (Rosenthal, L.) S.8259 (Harckham)	Expands the eligible entities that can have staff administer an opioid antagonist in an emergency situation to include restaurants, bars, retail stores, shopping malls, barber shops, beauty parlors, theaters, sporting or event centers, inns, and hotels or motels. Liability protections relating to good faith actions in administering an opioid antagonist would be extended to these entities as well.	Chapter 148
A.7839 (Gottfried) S.6625 (Skoufis)	Expands the list of emerging contaminants to contain certain potentially harmful chemicals and directs the COH to promulgate the first list of emerging contaminants within 30 days.	Advanced to Third Reading
A.7991-A (Simotas) S.6678-A (Salazar)	Requires the Office of Professional Medical Conduct (OPMC) to post on its website information on patients' rights and reporting options regarding professional misconduct, and requires all doctors' offices to conspicuously post signage directing patients to OPMC's website.	Chapter 203

A.8146 (Paulin) S.6226 (Felder)	Requires the Department of Health to develop an identification card for individuals with an eligible medical condition that allows them to access a restroom under the Crohn's and colitis fairness act.	Chapter 310
A.8386 (Weprin) S.6602 (Sepulveda)	Prohibits a fee from being charged to individuals obtaining a birth certificate when requested by the Department of Corrections and Community Supervision (DOCCS) or a local correctional facility for an individual under community supervision.	Reported to Ways and Means
A.8533-B (Joyner) S.6492-B (Rivera)	Directs the COH to develop a drug assistance program to provide access to insulin and other life sustaining drugs. Authorizes practitioners that are authorized to prescribe drugs to issue a non-patient-specific prescription for such drugs.	Chapter 388
A.8762 (Sayegh) S.8842 (Harckham)	Directs the COH to study the effectiveness and accuracy of devices used to estimate blood alcohol content by law enforcement agencies.	Passed Assembly
A.9003 (Steck) S.7569 (Skoufis)	Requires the Commissioner of Health to maintain specific reimbursement and billing procedures within Medicaid for complex rehabilitation technology products and services.	Reported to Ways and Means
A.9012 (Gottfried) S.7109 (Hoylman)	Authorizes medications under the Medicaid program to be synchronized and allows for partial-fills of certain medications.	Reported to Ways and Means
A.9044 (Gottfried) S.7522 (Rivera)	Expands the list of policies and practices in facilities operated by the Department of Corrections and Community Supervision that are reviewed by the Commissioner of Health.	Reported to Ways and Means
A.9097 (Gottfried) S.7524 (Rivera)	Requires the Commissioner of Health to establish a work group to assess the impact of requiring individual applicants for grants from the Doctors Across New York physician loan repayment and practice support programs to use the NYS Grants Gateway.	Vetoed Memo 76
A.9132 (Paulin) S.7172 (Rivera)	Directs the Department of Health to convene a work group on rare diseases and eliminates the rare disease advisory council.	Chapter 74
A.9133 (Richardson) S.7175 (Montgomery)	Directs the COH to develop information related to pregnancy complications that could endanger the health of a mother or a newborn and makes this information available to practitioners and the public and repeals duplicative informational requirements.	Chapter 76
A.9134 (Lavine) S.7192 (Salazar)	Focuses domestic violence training on employees that have a greater likelihood of interacting with a patient and requires the COH to provide hospitals with information pertaining to their local domestic violence or victim assistance organizations.	Chapter 37

A.9135 (Galef) S.7185 (Carlucci)	Requires that if an identified caregiver is unwilling or unable to confidently provide proper care, that a hospital assess if other services, including home care services, are needed and order such services if they are required.	Chapter 81
A.9156 (Gottfried) S.7147-A (Rivera)	Extends the current Medicaid coverage for certain pregnant women who access coverage under Medicaid from the current 60 day period after a pregnancy to a year following the pregnancy.	Reported to Ways and Means
A.9520 (Joyner) S.7173 (Rivera)	Requires hospitals to maintain obstetric hemorrhage protocols for DOH review, and eliminates the automatic requirement that the information be shared with DOH whenever a protocol is updated.	Chapter 75
A.9521 (Gottfried) S.7190 (Rivera)	Clarifies that limitations by an insurer do not restrict an individual's ability to select their health care provider for services not covered by an admission agreement at a nursing home.	Chapter 83
A.9522 (Peoples-Stokes) S.7161 (Hoylman)	Focuses coverage for medical services related to a sexual assault to those individuals that are more at risk of being unable to obtain the necessary services on their own, and increases reimbursement to health care providers of such services.	Reported to Ways and Means
A.9523 (Gottfried) S.6941 (Rivera)	Makes technical and clarifying amendments to organ donation statutes to improve the organ donation process and increase the number of potential donors in the state.	Chapter 45
A.9524 (McDonald) S.6965 (Salazar)	Requires the Commissioner of Health to develop an informational leaflet on the dangers that corded window blinds pose to children, and allows pediatric providers to provide the information at the child's six month wellness visit.	Chapter 66
A.9530 (Gottfried) S.7304 (Hoylman)	Increases membership of the Public Health and Health Planning Council (PHHPC) from 25 to 27 members and requires at least three members of PHHPC to be representative of low- and moderate- income health care users.	Chapter 326
A.9538 (Gottfried) S.7241 (Rivera)	Requires Medicaid managed care plans to provide consumer advocacy information on all notices of adverse determinations, grievances and appeals.	Chapter 318
A.9545 (Gottfried) S.7268 (Rivera)	Enhances lead water testing requirements for schools including annual testing requirements, establishing minimum thresholds for lead in water, and training for staff on water testing.	Reported to Ways and Means
A.9634 (Rosenthal, L.) S.7699 (Harckham)	Provides Medicaid coverage for all buprenorphine products, methadone or long acting injectable naltrexone for detoxification or maintenance treatment of a substance use disorder, and eliminates prior authorization for such drugs.	Reported to Ways and Means

A.9648 (Solages) S.6952 (Kaplan)	Requires that lactation counseling services be ordered by a physician, physician assistant, or nurse practitioner under the Medicaid program in order for such services to be covered.	Chapter 61
A.9894-B (Gottfried) S.7812-B (Rivera)	Allows school based health centers (SBHCs) to be reimbursed under the Medicaid fee-for-service model rather than the Medicaid managed care model.	Reported to Rules
A.9902 (Gottfried) S.7828 (Breslin)	Provides for the licensure and regulation of pharmacy benefit managers.	Reported to Codes
A.10034 (Gottfried) S.7879 (Rivera)	Requires dental telehealth providers to adhere to appropriate standards of care for the services they provide.	Chapter 328
A.10317 (Peoples-Stokes) S.7150 (Rivera)	Establishes that a majority of the Advisory Council on Lead Poisoning Prevention's appointed voting membership shall constitute a quorum.	Chapter 314
A.10394-A (Lentol) S.8289-B (Salazar)	Requires nursing homes to develop a pandemic emergency plan including communications with family members and guardians.	Chapter 114
A.10404-A (Rosenthal, L.) S.8416 (Metzger)	Includes audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement.	Chapter 124
A.10440 (Gottfried) S.8307 (Rivera)	Creates a process for midwifery birth centers to meet in order to receive approval for establishment and operation in the state.	Reported to Rules
A.10447-A (Joyner) S.8362-A (Serrano)	Requires contact tracers hired by governmental entities in New York City to be representative of the cultural and linguistic diversity of the communities that they serve in.	Chapter 115
A.10463-A (Gottfried)	Requires DOH to review all policies and procedures related to infectious disease at correctional facilities operated by DOCCS.	Chapter 365
A.10470-A (Fall) S.8719 (Savino)	Directs the COH to conduct a study of ambulatory care delivered in Staten Island.	Vetoed Memo 64
A.10486 (Gottfried) S.8403 (Rivera)	Allows individuals with a traumatic brain injury, cognitive impairment, developmental disability, blindness, or a visual impairment to qualify for personal care services if they need assistance with one or more activities of daily living (ADLs), rather than two or more ADLs.	Reported to Ways and Means
A.10489 (Gottfried) S.8337 (Rivera)	Clarifies that the new 30 month look-back period for determining financial eligibility for long-term care services begins on October 1, 2020 and establishes a new methodology for determining the period of time a non-institutionalized individual may be deemed ineligible.	Reported to Ways and Means

A.10494-A (Gottfried) S.8123-B (Sanders)	Makes all individuals, regardless of immigration status, eligible to receive free testing for COVID-19.	Passed Assembly
A.10500-C (Gottfried) S.8450-C (Rivera)	Establishes privacy protections and procedures for the handling of COVID-19 contact tracing information.	Chapter 377
A.10517 (Aubry) S.8245-A (Parker)	Requires DOH to conduct a study on the health impacts of coronavirus disease 2019 (COVID-19) on racial and ethnic minorities in New York state.	Chapter 99
A.10567-A (Jean-Pierre) S.8829 (Martinez)	Requires contact tracers hired by governmental entities outside of New York City to be representative of the cultural and linguistic diversity of the communities that they serve in.	Chapter 294
A.10799 (Hevesi) S.8764 (Rivera)	Establishes requirements for the safe transfer and discharge of residents from a nursing home.	Reported to Rules

SECTION III

Public Hearings and Roundtables of 2020

- Subject:** Exploring solutions to the disproportionate impact of COVID-19 on minority communities.
Joint Hearing with the Assembly Committee on Cities, Assembly Committee on Health, Assembly Committee on Labor, the Assembly Committee on Local Governments, the Assembly Black, Puerto Rican, Hispanic and Asian Legislative Caucus, the Assembly Task Force on Puerto Rican/Hispanic Americans, the Assembly Task Force on Women’s Issues, the Senate Committee on Cities, the Senate Committee on Health, the Senate Committee on Labor, and the Senate Committee on Government, the Senate Committee on Women’s Issues.
- Date/Place:** May 18 – Virtual Hearing
- Subject:** Residential health care facilities and COVID-19 - New York City, Long Island and Westchester
Joint Hearing with the Assembly Committee on Health, the Assembly Committee on Aging, the Assembly Committee on Oversight, Analysis and Investigation, the Senate Committee on Health, the Senate Committee on Aging, and the Senate Committee on Investigations and Government Operations.
- Date/Place:** August 3 – Virtual Hearing
- Subject:** Residential health care facilities and COVID-19 - Upstate New York
Joint Hearing with the Assembly Committee on Health, the Assembly Committee on Aging, the Assembly Committee on Oversight, Analysis and Investigation, the Senate Committee on Health, the Senate Committee on Aging, and the Senate Committee on Investigations and Government Operations.
- Date/Place:** August 10 – Virtual Hearing
- Subject:** COVID-19 and Hospitals
Joint Hearing with the Assembly Committee on Health, the Assembly Committee on Oversight, Analysis and Investigation, the Assembly Administrative Regulations Review Commission, the Senate Committee on Health, the Senate Committee on Investigations and Government Operations, and the Senate Administrative Regulations Review Commission.
- Date/Place:** August 12 – Virtual Hearing
- Subject:** The impacts of COVID-19 on individuals struggling with a substance use disorder and the availability of supportive services.
Joint Hearing with the Assembly Committee on Alcoholism and Drug Abuse and the Assembly Committee on Health
- Date/Place:** September 15 – Virtual Hearing