

In This Issue:

DOH Seeking Community Partner as Lead Organization for Integrated Care for Kids' Application

Legislature Agrees to Increase the Age to Purchase Tobacco to 21

Attorney General James Announces Lawsuit against New York City Stem Cell Clinic

Medicaid Drug Utilization Review Board is Seeking New Members

Regulatory Update

Related Articles and Other News

Legislative Update

Calendar

Quick Links

DOH Seeking Community Partner as Lead Organization for Integrated Care for Kids' Application

The State Department of Health is seeking proposals from a qualified health care entity to serve as the Lead Organization with DOH's Medicaid Office on their response to The Integrated Care for Kids (InCK) Notice of Funding Opportunity issued by the Center for Medicare and Medicaid Innovation (CMMI). This opportunity with CMMI is available at the following website:

<https://www.grants.gov/web/grants/view-opportunity.html?oppId=312759>

The opportunity with DOH can be found on the [New York State Contract Reporter Website](#). Proposals must be submitted to OHIPcontracts@health.ny.gov no later than Tuesday, April 23, 2019 5:00 PM EST.

Legislature Agrees to Increase the Age to Purchase Tobacco to 21

Last week, the Senate passed a [bill](#) that would raise the age requirements in order to purchase tobacco products from 18 to 21. The Assembly passed a companion bill in March and has been on the Governor's agenda since January. This bill is in effort to curb smoking and tobacco use by young adults and New York would join several states in the switch.

Several counties have already exercised their ability to pass local laws to raise the age to 21, this bill would implement a statewide law.

This bill could be delivered to the Governor and signed in to law as early as this week, and be in effect within 120 days if signed.

Attorney General James Announces Lawsuit against New York City Stem Cell Clinic

New York State Attorney General James recently announced a [lawsuit](#) filed against a NYC stem cell clinic and its managing doctor with allegation of engaging in fraudulent and illegal advertising regarding its stem cell procedures. The announcement describes that, through advertising efforts, the clinic led vulnerable patients to believe it could treat a variety of serious medical conditions using the patients' own stem cells, including, but not limited to: urological diseases, erectile dysfunction, cardiac/pulmonary disease, neurological diseases such as Parkinson's disease and ALS, various autoimmune diseases such as lupus, and orthopedic conditions. Additionally the complaint alleges the clinic misrepresented their procedures as part of an FDA- approved research study. The AG's full announcement can be found [here](#).

Medicaid Drug Utilization Review Board is Seeking New Members

The Department of Health recently released a notice indicating that the Drug Utilization Review Board (DURB) is currently seeking new members to fill one open physician seat, one open pharmacist seat, and two open consumer-advocate seats. The DURB plays a major role in the State's Medicaid program by establishing medical standards and criteria for Drug Utilization Review programs, developing educational interventions for physicians and pharmacists, reviewing therapeutic classes in the Medicaid Fee-for-Service Preferred Drug Program (PDP), and making recommendations for supplemental rebates.

Any questions regarding membership and candidacy or interest in serving in one of these open seats, please submit questions and/or CV/resumes to dur@health.ny.gov.

Regulatory Update

Department of Health

Update Standards for Adult Homes and Standards for Enriched Housing Programs - The Department of Health has **re-issued** a notice of [emergency rulemaking](#) that is intended to prevent adult care facilities from excluding a potential resident based solely on the individual's status as a wheelchair user. This regulation is consistent with current requirements under the Americans with Disabilities Act of 1990.

The original notice of proposed rulemaking was posted in the [September 12, 2018](#) issue of the State Register. This emergency rule is effective as of 3/19/2019 and is set to expire on 5/17/2019. The Department intends to adopt provisions of this emergency rule as a permanent rule.

Managed Care Organizations (MCOs) - The Department of Health has issued a notice of [proposed rulemaking](#) relating to contingent reserve requirements for Managed Care Organizations (MCOs). This proposed regulation extends the lower contingent reserve requirements for calendar years 2019 through 2024, and establishes the requirements for calendar years 2025 and beyond. The proposed rule is open to public for 60 days beginning April 3, 2019.

Medical Use of Marihuana - The Department of Health has issued a notice of [revised rulemaking](#) that adds additional serious conditions for which patients may be certified to use medical marihuana. As compared to the original proposed rule posted in the [August 1, 2018](#) issue of the State Register, this revised rule removes the requirement that a patient be enrolled in a treatment program certified pursuant to Article 32 of the Mental Hygiene Law. The regulation would instead require practitioners certifying patients for substance use disorder and opioid use disorder to hold a federal Drug Addiction Treatment Act of 2000 (DATA 2000) waiver.

The Department's assessment of public comments can be found [here](#).

Related Articles and Other News

[259 Confirmed Cases of Measles in Brooklyn and Queens since October](#)

Legislative Update

The Legislature will be in session Monday through Wednesday of this week, before commencing a two week break of Legislative Session with a scheduled return date of April 29. The following bills of interest have been placed on committee agendas:

Assembly Insurance (Tuesday, April 9 - Off the Floor)

- [A3043 \(Joyner\)/S4463 \(Breslin\)](#) – This Bill requires insurers to reimburse non-mail order retail pharmacies for prescription drugs regardless of whether the pharmacy is in the plan's specialty pharmacy network or whether the retail pharmacy can meet the plan's terms and conditions for participation.

Assembly Codes (Tuesday, April 9 – 11 a.m. – Room 630 LOB)

- [A2347 \(Abinanti\) / S2347 \(Rivera\)](#) – This Bill establishes a Medical Indemnity Fund (MIF) ombudsman and an MIF advisory panel.
- [A3923 \(Weprin\)](#) – This Bill requires counties to maintain a confidential registry of people of all ages with disabilities for disaster preparedness.
- [A5616 \(Weinstein\) / S4486 \(Carlucci\)](#) – This Bill authorizes a resident of an ACF to commence an action in the supreme court of the county in which the facility is located for the appointment of a temporary operator when their health, safety, and welfare are at risk.
- [A6186A \(Gunther\) / S4356 \(Ortt\)](#) – This Bill requires health plans, beginning in July, 2019, and every two years thereafter, to submit a detailed plan regarding compliance with state and federal mental health and substance abuse parity laws.

Assembly Governmental Operations (Tuesday, April 9 – 10:30 a.m. - Room 623 LOB)

- [A6440 \(Peoples-Stokes\)](#) – This Bill requires dialysis providers to have an alternate generated power source for use during a general power outage or disaster emergency.

Senate Health (Tuesday, April 9 - 12:30 p.m. – Room 124 CAP)

- [S474 \(Carlucci\)/ A212 \(Galef\)](#) – This Bill requires hospitals to consult with the designated patient caregiver to determine patient capabilities and limitations upon discharge of a patient with a condition that requires a central venous line beyond the time of discharge.
- [S1693 \(Krueger\)/ A420 \(Braunstein\)](#) – This Bill requires a medical facility or related services to obtain express prior written consent before the making and/or broadcasting of visual images of a patient's medical treatment.
- [S4811 \(Rivera\)/ A2347 \(Abinanti\)](#) – This Bill establishes an MIF ombudsman and an MIF advisory panel.

Senate Finance (Tuesday, April 9 - 9:30 p.m. – Room 124 CAP)

- [S1674 \(Skoufis\)/ A4737 \(Steck\)](#) – This Bill establishes the office of the advocate for people with disabilities to advocate on behalf of persons with disabilities and assure that persons with disabilities are afforded the opportunity to exercise all of the rights and responsibilities accorded to citizens of the state of New York.
- [S1817 \(Rivera\)/ A3839 \(McDonald\)](#) – This Bill authorizes the Department of Health to take certain actions for the purpose of supporting home care and community based sepsis prevention, screening, intervention and education.

Calendar

Thursday, April, 11
2019

Meeting of the Public Health and Health Planning Council
Full Council Meeting
10 a.m.
Empire State Plaza, Concourse Level, Meeting Room 6, Albany

Friday April 12, 2019

Minority Health Council Meeting
10 a.m.
Empire State Plaza Convention Center, Meeting Room 1

Wednesday April 24,
2019

Board of Examiners of Nursing Home Administrators
(BENHA) Meeting (Public Session)
10:30 a.m.

QUICK LINKS

[NYS Department of Health](#) --- [NYS DOH –Meetings, Hearings & Special Events](#) --- [Medicaid Redesign Team](#) --- [Senate Health Committee Website](#) --- [Assembly Health Committee Updates](#) --- [NYS Division of Budget](#)

Plugged in to Health at Hinman Straub is prepared by Hinman Straub P.C. and is intended to keep our clients informed about health news and Legislative and regulatory developments that may affect or otherwise be of interest to them. The comments contained herein do not constitute legal opinion and should not be regarded as a substitute for legal advice. If you prefer not to receive these updates, please alert us so we may remove you from our distribution list. © Hinman Straub P.C. 2019. All rights reserved.

Hinman Straub PC | <http://hinmanstraub.com/>

