

In This Issue:

DFS Announces Final Regulation for Coverage of Maternal Depression

State's Measles Outbreaks Driving the Nation's 25 year Record High

Department of Health Electronic Visit Verification Schedule Update

Single Payer Hearing Draws Marathon of Testimony

Regulatory Update

Related Articles and Other News

Legislative Update

Calendar

Quick Links

DFS Announces Final Regulation for Coverage of Maternal Depression

The Department of Financial Services' Acting Superintendent Linda A. Lacewell recently announced health insurers issuing policies within the State will be required to cover maternal depression screenings, including screening for the mother under the child's policy. This regulation will require coverage for screenings by both adult and pediatric primary care providers, along with speedy referrals to treatment specialists. The [regulation](#) will go in to effect 60 days after its publication in the June 12, 2019 issue of the State Register.

The Superintendent's full press release can be found [here](#).

State's Measles Outbreaks Driving the Nation's 25 year Record High

The Center for Disease Control (CDC) reports, from January 1 to May 24, 2019, there have been [971 individual cases of Measles](#) confirmed in 26 states. This is an increase of 60 cases from the previous week. This is the greatest number of cases reported in the U.S. since 1994 and since measles was declared eliminated in 2000. Rockland County and New York City combined, account for over two-thirds of the 971 confirmed cases since the start of 2019, with some weekly increases in the double digits.

Outbreaks in ultra-Orthodox Jewish communities in New York City and Rockland County, N.Y., have been going on for nearly seven months. If this rate continues into the fall, the

U.S. is at jeopardy to lose its World Health Organization designation as having eliminated measles.

Department of Health Electronic Visit Verification Schedule Update

The Department of Health has updated its schedule of Electronic Visit Verification (EVV) Regional Listening Sessions to add a Listening Session that will be held via Webinar. The Webinar will follow the same format as the Regional Listening Sessions and will provide another venue for interested parties to participate in a Listening Session and provide comments and input in New York's EVV design and implementation. To registration for the webinar click [here](#), and stakeholders may submit written comments regarding the design and implementation of EVV to EVVHelp@health.ny.gov.

The Webinar has been scheduled for June 24, 2019 from 9 am – 12 pm.

Single Payer Hearing Draws Marathon of Testimony

The Senate and Assembly held the first Joint Legislative Hearing in which a multitude of speakers and panels representing health care providers, patient advocates, health coverage providers, labor unions, employers and other stakeholders shared perspective of the most recent version of the New York Health Act and its specific provisions. The hearing lasted over [13 hours](#), with supporters and opposition both shining light on the provisions of the bill.

Coverage of healthcare needs for all New Yorkers at an expense estimated at three times the State's current fiscal budget, which could ultimately achieve the same result of coverage for the State's 4.7% of uninsured population. More than a few times, the unknown cost and tax structure to fund the provisions of the bill came to the top of discussion.

Supporters of the bill emphasized the need to overhaul the system, of which has ultimately been recognized for its monumental movements in expanding coverage to millions of residents since the enactment of the Affordable Care Act in 2014, and shift complete control of payments to health care providers to the State.

The New York Health Act, [A.5248/S.3577](#), would replace traditional health insurance coverage and public health coverage programs with a single-payer health coverage, to include long-term care, for New York residents. Earlier dialogs from the legislation's sponsors have indicated that there would be a series of public hearings to be held throughout the State. This is the first scheduled joint hearing.

Regulatory Update

Office of Alcoholism and Substance Abuse Services (OASAS)

General Provisions

OASAS has issued a [notice of adopted rulemaking](#) which makes changes to the role and certification requirements of the program's Medical Director, expands the definition of addiction services to include SUD or gambling disorder, and establishes certain requirements to provide access to Medication Assisted Treatment. The original notice of proposed rulemaking was posted in the [December 19, 2018](#) issue of the State Register, with

a revised version posted in the March 27, 2019 issue. No changes were made to the rule since the revised notice, and this rule is effective as of 5/29/2019.

Department of Financial Services

Charges for Professional Health Services

The Department of Financial Services (“DFS”) has re-issued a notice of [emergency rulemaking](#) to delay the effective date of the Workers’ Compensation fee schedule increases for no-fault reimbursement.

Background: The Worker’s Compensation Board had issued a notice of [proposed rulemaking](#) in December of 2018 intended to update and incorporate fees for medical services provided to injured workers. This proposed rule would impose costs on insurance carriers and self-insured employers, as the proposed rule increases the emergency room services reimbursement rate and establishes a fee schedule for clinic services and private psychiatric hospitals.

This emergency rule will postpone the effective date of the fee schedule to 10/1/2020 rather than 4/1/2019. This would allow additional time for insurers effected by the updated fee schedules to evaluate and make adjustments to the new fee amounts.

Department of Health

Medicaid Reimbursement of Nursing Facility Reserved Bed Days for Hospitalizations

The Department of Health has issued a notice of [adopted rulemaking](#) to clarify the statutory limitation of bed hold payments to nursing homes shall not apply to instances of temporary hospitalizations with respect to recipients under age 21 or recipients receiving hospice services in the nursing home. This rule is effective as of May 29, 2019.

Residents’ Rights

The Department of Health has issued a notice of [proposed rulemaking](#) to require nursing homes provide information about home and community based services and community transition programs to residents upon admission. This proposed regulation is open to public comment for 60 days from May 29, 2019.

Related Articles and Other News

[**NYC-Mayor Cites 'urgent steps' in Declaring Public Health Emergency for Measles**](#)

[**Pilot Project Designed to Highlight Quality Addiction Treatment**](#)

Legislative Update

The Legislature will be in session Monday through Thursday this week, with only 11 2019-Legislative Session Days remaining. As of Monday June 3rd, no Senate Committee Meetings have been scheduled, and the following bills of interest have been placed on Assembly committee agendas:

Assembly Aging (Monday, June 3 – Off the Floor)

- A7458 (Wallace) / [S5780 \(May\)](#) – This Bill extend authorization of the long-term care ombudsman program through 2021.

Assembly Codes (Tuesday, June 4 – 10:30 a.m. – Room 630 LOB)

- [A972A \(Rosenthal, L\)](#) – This Bill prohibits the application of co-insurance payments by insurance plans for health services related to opioid treatment programs.
- [A1162A \(Gottfried\) / S4841 \(Rivera\)](#) – This Bill add physician assistants to the list of health care professionals authorized to act in relation to orders pertaining to life sustaining treatments and orders not to resuscitate and to make capacity determinations for purposes of witnessing and implementing health care proxies.
- [A2969 \(People-Stokes\) / S2849 \(Breslin\)](#) – This Bill prohibits health insurance providers from making alterations to their prescription formulary during a contract year unless directed so by the FDA, as well requires the health insurer to notify the insured of any changes to the formulary in the coming year, 30 days prior to enrollment period.
- [A5502 \(Jean-Pierre\) / S3852 \(Martinez\)](#) – This Bill requires health insurers to cover annual mammograms for individuals ages 35 to 39 upon the recommendation of a physician.
- [A7478A \(Simotas\)](#) – This Bill requires individual and group health policies provide coverage for in vitro fertilization.

Assembly Higher Education - (Monday, June 3 – Off the Floor)

- [A6185 \(Pretlow\) / S5395 \(Jackson\)](#) – This Bill expands the scope of the practice of podiatry to include certain treatments of ankles.

Assembly Mental Health (Tuesday, June 4 – 10:30 a.m. – Room 825 LOB)

- [A7935 \(Gunther\)](#) – This Bill establishes a workgroup to conduct and analysis of the ambulatory patient group rates for behavioral health services.
- [A7938 \(Gunther\)](#) – This Bill expands the scope of providers who must check the register of substantiated category one cases of abuse or neglect before hiring employees or allowing employees to have regular and substantial contact with a person with a disability, and also allows providers to re-check it once in any six-month period.

Calendar

Wednesday, June 5,
2019

The Public Health and Health Planning Council – Public Health Committee meeting
1 p.m. – 5 p.m. 90 Church Street, 4th Floor, Rooms 4A and 4B, NYC

Thursday, June 6,
2019

The Public Health and Health Planning Council – Committee on Codes, Regulations and Legislation and Full Council Meeting
9:15 a.m. 90 Church Street, 4th Floor, Rooms 4A and 4B, NYC

Thursday, June 20,
2019

Continuing Care Retirement Community (CCRC) Council Meeting
11:00 a.m. - 1:30 p.m. - [Webcast](#)

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](#)

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