

Governor's 2020 State of the State Agenda

On January 8, Governor Cuomo delivered his 10th State of the State address, outlining his agenda for the upcoming year. The Governor is expected to release the 2020-21 NYS Executive Budget on Tuesday, January 14, 2020.

The address highlighted the recent progressive accomplishments in New York, including the SAFE Act, minimum wage, marriage equality, paid family leave, and free college tuition, all of which were accomplished while also lowering middle class taxes. A particular focus of the address was combating the urgent threat of climate change, with the Governor noting that all other policy changes will not matter unless ambitious goals to address climate change are adopted. Among the environmental initiatives proposed by the Governor is a ban on Styrofoam containers and packaging and a \$3 billion “Restore Mother Nature” Bond Act.

The Governor devoted little discussion in the address on the projected \$6 billion deficit for the 2020-21 fiscal year, mostly comprising of a \$4 billion Medicaid shortfall, and the healthcare initiatives referenced in his printed address. The Governor identified the need to continue to restructure the Medicaid program, with a focus on aligning the administration of the program with the local government cap on spending on Medicaid. The Governor also pledged to work with neighboring states to coordinate a safe and fair system for legalizing adult use marijuana that protects consumers, promotes equity, and generates economic development.

In the [Governor's printed State of the State address](#), the Governor outlines the following proposals impacting the healthcare sector. Of significance, the address only includes a narrative of each proposal; the actual bill language will likely be released as part of the Budget. Thus, the details of each proposal may contain additional changes not identified in the narrative. When the details of these proposals are released, we will provide a more detailed analysis.

Access and Cost of Healthcare

- Continue to protect the stability of New York's health insurance market and ensure that all New Yorkers have access to affordable health care, noting that 95% of New Yorkers have health insurance coverage, an all-time historic high.
- Expand the Out of Network Billing Law by prohibiting all hospitals and emergency doctors from directly billing consumers for out-of-network services and ensure that all hospitals are required to participate in the Independent Dispute Resolution (IDR) process to fairly and efficiently resolve billing disputes between hospitals and insurers (apparently eliminating the exception for high Medicaid hospitals).
- Require the disclosure of outpatient hospital and office-based surgery facility fees.
- Propose a single formulary for Medicaid that will ensure access to medication assisted treatment (MAT) is granted quickly and efficiently.

- Distinguishing medical debt from other consumer debt and shorten the statute of limitations to collect unpaid medical debt to three (3) years.
- Requiring Pharmacy Benefit Managers (PBMs) to register with the State and be subject to regulations requiring disclosure of financial incentives or benefits for promoting the use of certain drugs, as well as other financial arrangements affecting customers.
- Create the NY HealthcareCompare to allow individuals to compare the cost and quality of healthcare procedures at hospitals around the state and provide educational resources for financial assistance options and surprise bills.
- Cap co-payments for insulin at \$100 per month for insured patients. This proposal is similar to legislation passed by the Senate in 2019.
- Empower DFS to investigate significant spikes in prescription drug prices and require manufacturers to show a reasonable justification for these sudden increases or face fines and pay restitution to harmed consumers.
- Create the Prescription Importation Commission to work with insurers, consumers, health care providers, and other stakeholders to identify any potential consumer savings from importing drugs from Canada.

Women's Health

- Establish a state-only funded family planning program to ensure the continued availability of family planning and reproductive health services.
- Create a Women's Health Research Consortium composed of the state's leading health and medical research institutes to lead the nation in pioneering research recommendations to advanced medical equity.
- Work to expand coverage and raise awareness of available fertility services by encouraging employers to offer fertility coverage, ensure that no one is discriminated against for seeking fertility services, and expand awareness of existing benefits.
- Require all hospitals to adhere to the same high-quality, victim-centered care standards when treating sexual assault survivors.
- Invest \$8 million over two years to implement implicit bias training and post-birth training for medical providers and create a comprehensive perinatal data warehouse to increase timely access to maternal health data for Regional Perinatal Centers and birthing hospitals and support targeted quality improvement efforts by hospital and healthcare providers.

Improving Public Health

- Increase attention on addressing the social determinants of health and incorporating health-supporting components into a wide range of policies and programs.
- Create the Office of Cannabis Management to specialize in cannabis regulation and oversee the medical, adult-use and hemp programs. Regulation of the adult-use program would include limiting the sale to adults 21 and over, stringent quality and safety controls and an education campaign that communicates the health risks of cannabis use and educates the public about the dangers of driving while impaired.
- Ban the sale of all flavored e-cigarettes and all vaping-related ads targeted to youth, including traditional forms of advertising, social media and websites with significant youth viewership.
- Ban the sale of vaping carrier oils that include chemicals or ingredients that when inhaled through a vaping device are deemed to be dangerous and a significant public health risk.
- Restrict the online, phone and mail order sale of vaping products and e-cigarettes only to licensed vaping product retailers.

- End the sale of tobacco and e-cigarette products in pharmacies.
- Introduce legislation to define indoor space and limit second hand smoke exposure.
- Schedule fentanyl analogs by subjecting them to the same criminal sale or possession penalties for other controlled substances.
- Improve access to MAT by connecting emergency departments with doctors who can prescribe buprenorphine through telehealth.
- Direct OASAS add 10 new mobile clinics for addiction treatment, one in each economic development zone statewide, and fund telehealth equipment for at least one addiction treatment program in each county across the state.
- Direct DOCCS to expand access to MAT by providing buprenorphine in the 7 facilities currently offering methadone and to seek national certification and accreditation to operate an Opioid Treatment Program.

Physician Integrity

- Enact periodic renewal requirements in order to maintain their New York State license and ability to practice in New York.
- Strengthen disciplinary oversight, thereby increasing patient safety and public awareness, by allowing for expeditious removal of individuals who present a risk to the public.
- Ensure that the public can access information if there are concerns with the professional conduct of their health care providers.

Preserving the Effectiveness of Antibiotics

- Require that clinical staff in all hospitals and nursing homes participate in enhanced antimicrobial resistance and infection prevention and control education
- Require healthcare facilities to have an antibiotic stewardship program (ASP) that meets the CDC's Core Elements for ASPs with requirements to measure antibiotic use and respond to issues of high utilization.
- Enhance existing regional information exchanges to ensure secure exchange of multidrug-resistant organism information on patient inter-facility transfers.

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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