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**New York State of Health Achieves Record Setting
Enrollments**

The New York State of Health (“NYSOH”), the state’s official health plan Marketplace, [recently announced](#) a record setting 2020 Open Enrollment period, **enrolling over 4.9 million New Yorkers** under an affordable health insurance plan. According to the Department’s announcement, the 2020 Open Enrollment Period saw an increase of 150,000 people over 2019, enrollment, achieving record levels, including more than 1 million people enrolled in Qualified Health Plans and the Essential Plan. Marketplace enrollment growth is consistent with New York’s declining uninsured rate, which reached a historic low of 4.7 percent.

Medicaid enrollments through NYSOH reached 3,397,390, along with Non-Medicaid program enrollment reaching 1,521,496 New Yorkers. The 2020 Open Enrollment Period ran from November 1, 2019, through February 7, 2020, a week longer than the 2019 Open Enrollment Period.

DOH Reports a Decline in the Number of Flu Cases

The Department of Health (“DOH”) has reported that for the first time since flu was categorized as widespread across New York State in December, the number of laboratory-confirmed influenza cases has decreased 17 percent. Last week, 14,270 laboratory-confirmed influenza cases were reported to the state Department of Health. The number of weekly hospitalizations decreased 23 percent with 1,571 New Yorkers hospitalized for lab confirmed influenza.

However, according to the latest weekly influenza surveillance [report](#) ending February 15, seasonal flu activity continues to be widespread across New York State for the 12th consecutive week. The DOH continues to encourage that everyone six months of age or older receive an influenza vaccination.

VBP Update

The DOH has posted the **2020 VBP Quality Measure Sets** on the [Value Based Payment \(“VBP”\) Resource Library website](#).

The **2020 VBP Quality Measure Sets** were approved by the VBP Workgroup in 2019 as part of the Annual Measure Review Cycle. Measure sets were compiled in collaboration with State agency partners, including the Office of Mental Health (“OMH”) and the Office of Addiction Services and Supports (“OASAS”). The following 2020 measure sets are now available on the VBP website:

- **Children’s Quality** Measure Set
- **Health and Recovery Plan (HARP)** Measure Set (*special needs population type arrangement*)
- **HIV /AIDS** Measure Set (*special needs population type arrangement*)
- **Integrated Primary Care (IPC)** Measure Set
- **Maternity** Measure Set
- **Total Care for the General Population (TCGP)** Measure Set

The 2020 quality measure sets can be found on the VBP Resource Library website under the **VBP Quality Measures** subheading.

Question regarding the **2020 VBP Quality Measure Sets** can be directed to: vbp@health.ny.gov

Governor Launches Campaign to Ban Flavored Nicotine Vaping Products by April 1st

Governor Cuomo recently announced the launch of a campaign to ban all flavored nicotine vaping products, including menthol flavors, and to restrict vaping advertisements aimed at youth by April 1, 2020 as part of the FY 2020-21 Enacted Budget. The Governor held a [press conference](#) to announce the

launch of this campaign, where he was in company with state and national leaders supporting the state's efforts.

The campaign includes a new hashtag - **#NoVapeNY** - as well as a [petition](#) where New Yorkers can show their support for the legislation and a new website - ny.gov/endvaping - which provides more information about the proposals. The Governor's proposals include the authorization for DOH to regulate the sale of vaping carrier oils that include chemicals or ingredients which when inhaled impose significant health risks; limits on online sales of vaping products within the state; restricts the sale of tobacco and e-cigarette products in pharmacies; and prohibits the use of coupons for tobacco and nicotine products.

DOH Issues "Dear Administrator Letters" (DALs)

The DOH recently issued the following DALs:

DAL # 20-07 Transitional Adult Home Emergency Regulations - Regarding requirements for Transitional Adult Home ("TAH") operators to make space available for residents to meet privately with specific providers, without charge. [Emergency regulations](#) were posted in New York State Register on February 19th detailing the Department's requirements for the defined space. Additionally, the DOH held a webinar detailing the requirements, and the presentation slides from the webinar are available [here](#).

DHDTC DAL: #20-03 - Regarding clarification for certain newborn treatments using eye prophylaxis and vitamin K and to provide hospitals guidance concerning the provision of these medications in a manner supportive of breastfeeding.

DAL #20-04, DHCBS #20-01, NH #20-01 - Regarding the state's Criminal History Record Check ("CHRC") requirements within nursing homes and home and community based service providers, and the best practices for the processing of CHRC requests.

Regulatory Update

Department of Financial Services

Audited Financial Statements

The Department of Financial Services ("DFS") has issued a notice of [proposed rulemaking](#) that requires insurance companies that meet a certain premium threshold, to establish and maintain internal audit functions. The internal audit function requirement became a National Association of Insurance Commissioners ("NAIC") accreditation standard beginning January 1, 2020.

This proposed regulation is open to public comment for 60 days from February 19, 2020.

Department of Health

Meeting Space in Transitional Adult Homes

The Department of Health has issued a notice of [emergency rulemaking](#) clarifies requirements for Transitional Adult Home (“TAH”) operators to provide space for residents to meet privately with staff of the facility, visitors or other service providers. This rule requires that such space meet certain criteria such as a minimum of 160 square feet, above grade level, offer privacy, and be separate and distinct from an occupied or reserved resident room. The TAH operator will be required to submit a plan explaining how the operator will meet the space requirements to the Department within 30 days of the Department’s request.

This emergency rule is effective as of January 29, and will expire April 27, 2020.

Workers’ Compensation Board

Updating the Prescription Drug Formulary

The Worker’s Compensation Board has issued a notice of [adopted rulemaking](#) to update the [prescription drug formulary](#) that take in to consideration certain drugs that do not appear in the Medical Treatment Guidelines (“MTGs”) but still may be helpful in treating injured workers based on accepted standards of care. This rule was originally posted as an emergency rule in the [November 20, 2019](#) issue of the State Register and is effective as of February 19, 2020.

Legislative Update

The Legislature will be in session Monday through Thursday this week. The following bills of interest have been placed on committee agendas:.

Senate Health – (12 Noon, Tuesday, February 25 - Room 124 CAP)

- [S6678A \(Salazar\) / A7991A \(Simotas\)](#): This Bill requires the Office of Professional Medical Conduct (“OPMC”) to post information on its website regarding patients’ rights and reporting options specifically for misconduct involving sexual harassment and assault, and requires physicians’ offices to post signage directing patients to its location on the OPMC website.
- [S7525 \(Rivera\) / A9086 \(Gottfried\)](#): This Bill adds nursing home care to the current law requiring expedited utilization review determinations within 24 hours following an inpatient hospital admission. It requires health insurers to cover the cost of nursing home care while a utilization review determination is pending prior to a determination of medical necessity. This Bill was vetoed in 2019 (Veto Message #256).
- [S6779 \(Harckham\) / A9634 \(Rosenthal, L\)](#): This Bill prohibits the need for prior authorization for coverage of medication assisted treatment (“MAT”) products by an insurer under Medicaid and Medicaid Managed Care program, and includes all buprenorphine products, methadone or long acting injectable naltrexone.

- **[S7771 \(Rivera\)](#)**: This Bill establishes an Emergency Insulin Program to provide emergency supplies of analog insulins to uninsured or underinsured individuals and requires pharmacy chains with 20 or more locations, or any Article 28 with a 340B drug discount program to maintain a supply of insulin and register with the Department of Health as an emergency insulin provider. This program will be funded through a public-private partnership between the state and analog insulin manufacturers.

Calendar

Tuesday, February
25, 2020

The Public Health and Health Planning Council's –
Public Health Committee Meeting

1:00 p.m.

Wednesday, March
18, 2020

The Public Health and Health Planning Council's –
Establishment and Project Review Committee (EPRC)

10:30 a.m. – Albany, NY

Thursday, March
19, 2020

The Public Health and Health Planning Council
Meeting – Joint Meeting of the Public Health
Committee and the Ad Hoc Committee to Lead the
Prevention Agenda

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](#)**

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