

New York State Senate Standing Committee on Health

**Preliminary Legislative Highlights
2018 Legislative Session**



**Senator Kemp Hannon, Chair
July 2018**

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**Senator Kemp Hannon, Chair
Senate Health Committee**

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Health Legislation Passed Both Houses &/or Chaptered

Public Health

Opioid Epidemic, Substance Abuse, Treatment & Recovery Legislation:

- ❖ **Drug Take Back Act** - S.9100 (Chapter 120 of 2018), sponsored by Senator Hannon, creates the Drug Take Back Act to require manufacturers of covered drugs to create or participate in a drug take back program. Under this program, manufacturers are responsible for the cost of the take back program; this includes the cost of collecting, transporting and disposing of covered drugs from pharmacies. This Act also requires chain pharmacies and mail-order pharmacies to provide on-site collection, prepaid mail-back envelopes or other Drug Enforcement Agency (DEA) approved methods.
- ❖ **Substance Abuse Patient Brokering** - S.6544B, sponsored by Senator Akshar, bans the practice of substance use disorder patient brokering in New York State, and makes it a crime to offer or accept any kickback from an entity that provides substance abuse services in exchange for patient referral and admission.
- ❖ **Medical Marijuana as Alternative to Opioids** - S.8987A, sponsored by Senator Amedore, allows physicians to certify patients for medical marijuana as an alternative to prescribing opioids for pain management or for treatment of substance use disorder.
- ❖ **Rescheduling Drugs** - S.8275B, sponsored by Senator Jacobs, allows the Commissioner of Health to reschedule drugs using regulatory action, should they find that it may impair the health of patients; however, they may only reschedule the drug to a new subdivision in the same numbered schedule or a higher numbered schedule than to which it is rescheduled in the federal act. This legislation will ensure that new FDA approved drugs, such as a new cannabinoid medication for children with epilepsy, can be rescheduled and made available as soon as possible.

Tanning Salons - S.5585A, sponsored by Senator Boyle, prohibits those under 18 from using tanning salons. Current law prohibits children under 16 from using tanning facilities and allows 17 year olds to use tanning salons with written parental consent. This bill would remove this consent loophole and extend the prohibition to 17 year olds.

Organ Donation - S.2496B, sponsored by Senator Hannon, creates the “Living Donor Protection Act of 2018.” Under this Act, the Commissioner of Health, the Transplant Council and other interested parties will work together to develop and distribute information about live organ donations. The Act also makes it clear that no insurer can discriminate against an individual based on their donor status. Lastly, the Act includes transplantation preparation and recovery related to organ or tissue donations in the “serious health conditions” covered under paid family leave in the Workers’ Compensation Law.

The Crohn’s & Colitis Fairness Act - S.7327 (Chapter 42 of 2018), sponsored by Senator Hannon, enacts the Crohn’s and Colitis Fairness Act, which makes employee restrooms available to individuals with eligible medical conditions, or those who use an ostomy device.

Water Contamination:

- ❖ **Posting of Emergency Contaminants on DOH Website - S.6655**, sponsored by Senator Hannon, requires the Department of Health to post information on its website relating to emerging contaminant notification levels and education materials, so that such information is easily accessible to the public and public water systems.
- ❖ **Peconic Bay Region Septic System Replacement Loan Program - S.8254A**, sponsored by Senator LaValle, authorizes towns in the Peconic Bay region to establish septic system replacement loan programs to help protect residents and the environment by improving water quality.
- ❖ **Monitoring of Groundwater Impacts from Mines - S.4812**, sponsored by Senator LaValle, authorizes the enactment of local laws that require the monitoring of groundwater impacts from mines within counties with a population of one million or more, and draw their primary source of drinking water from a designated sole aquifer; the aim is to help determine which groundwater resources may be impacted, and provide an early warning system for any current or future groundwater contamination.
- ❖ **Water Quality Improvement Projects in the Town Law - S.7853A**, sponsored by Senator LaValle, expands the list of water quality improvement projects in town law to include the construction of public water mains and connections in order to provide a pure source of drinking water to inhabitants whose drinking water supply has been contaminated by toxic chemicals, hazardous substances or emerging contaminants.

Lyme & other Tick-borne Diseases:

- ❖ **Lyme and Tick-borne Disease Workgroup - S.7170A**, sponsored by Senator Serino, creates a Lyme and tick-borne disease working group composed of experts across various disciplines for the purpose of reviewing and providing recommendations on current best practices for the diagnosis, treatment and prevention of Lyme and other tick-borne diseases.
- ❖ **Lyme & Tick-borne Disease Warning Signs in Parks - S.7242**, sponsored by Senator Serino, directs the New York State Office of Parks, Recreation and Historic Preservation to install and maintain Lyme and tick-borne disease warning signs at all state-managed parks, including trail entryways and campgrounds.
- ❖ **Study on Infectious Diseases & Blood-borne Pathogens - S.7171A**, sponsored by Senator Serino, requires the Department of Health, in conjunction with the Office of Mental Health, to conduct an impact study considering how infectious diseases and blood-borne pathogens, including Lyme and other tick-borne diseases, may be correlated with mental illness in infected individuals.

Smoking-related Legislation:

- ❖ **E-Cigarettes - S.1223 (Chapter 4 of 2018)**, sponsored by Senator Akshar, prohibits the free distribution (i.e. free samples) or sale of electronic cigarettes to minors by any person

engaged in the business of selling or distributing electronic cigarettes for commercial purposes, or by any agent or employee.

- ❖ **Smoking in Home-based Day Care Facilities** - S.7522A, sponsored by Senator Hannon, aims to protect children from second and third-hand smoke in home-based day care by prohibiting smoking, at all times, in facilities that provide child care services in a private home; this excludes rooms where child care services are not provided.
- ❖ **Smoking Near Libraries** - S.169B, sponsored by Senator Rivera, prohibits smoking within 100 feet of the entrances or exits of any public or association library.

Lead Poisoning- S.7295 (Chapter 20 of 2018), sponsored by Senator Alcantara, is a chapter amendment to Chapter 411 of the Law of 2017, which required that written notice be given to the Commissioner of Health whenever an area of high risk of lead poisoning is designated. This legislation provides the Department with more flexibility by authorizing rather than requiring the Department to take action.

Prostate Cancer Screening – S.6882A, sponsored by Senator Tedisco, would ensure that men have access to prostate screenings at no cost to them. This legislation would require information regarding the availability of insurance coverage for prostate cancer screenings without cost sharing to be included in the standardized written summary prepared by the Commissioner of Health. Additionally, diagnostic testing for prostate cancer for men having a prior history, men 40 and over with a family history, and men 50 and over who are symptomatic will not be subject to annual deductibles or coinsurance under this legislation.

Sepsis Awareness – S.7280 (Chapter 10 of 2018), sponsored by Senator Marcellino, is a chapter amendment to Chapter 347 of the Laws of 2017, which established a sepsis awareness, prevention and education program within the Department of Education to educate students, parents and school personnel about sepsis. This legislation clarifies that sepsis itself is not contagious; rather, it is the pathogens that can cause sepsis transmission from person to person.

Purchase of Multivitamins Through SNAP – S.9008, sponsored by Senator Flanagan, would direct the Office of Temporary Disability Assistance to apply for a waiver from the federal government to allow for a program in New York where people may use their Supplemental Nutrition Assistance Program (SNAP, also known as food stamps) benefits towards the purchase of multivitamin-mineral dietary supplements.

Women, Children & Families

Sexual Assault Bill of Rights - S.8977, sponsored by Senator Hannon, builds on measures adopted in the 2018-19 budget by creating a Sexual Assault Victim Bill of Rights and a Victim's Right to Notice about the status of their sexual offense evidence kit. Under this legislation, the Department of Health, in consultation with the Division of Criminal Justice Services (DCJS), the Office of Victim Services, hospitals, other health care providers, and victim advocacy organizations, must establish a Bill of Rights to inform sexual assault victims of their rights under state law. This legislation also mandates every police agency, prosecutorial agency, and

other law enforcement agency adopt policies and procedures regarding contact with sexual assault victims, as well as procedures regarding the sharing of information with victims. Lastly, the Victim's Right to Notice establishes that a sexual assault victim has the right to be notified of the date and location at which their sexual assault evidence kit was assessed and analyzed, whether a CODIS profile was developed, and of any information regarding a DNA match.

Educating Women on Transmission of CMV - S.2816B, sponsored by Senator Hannon, raises public awareness of the transmission of cytomegalovirus (CMV) to a woman from a toddler by educating women about the virus, and requires that any newborn identified or suspected of having a hearing impairment be tested for CMV, unless the parent of the newborn objects.

Newborn Health & Safe Sleep Pilot Program - S.7408 (Chapter 46 of 2018), sponsored by Senator Hannon, amends the Newborn Health and Safe Sleep Pilot Program, designed to reduce infant mortality rates across New York State through the use of "baby boxes" or other products that encourage safe sleep practices, by creating a study to be conducted before the implementation of the pilot program. This study will examine the role that baby boxes can play in infant health and begin a pilot program in areas with high infant mortality rates.

Early Diagnosis & Long-term Treatment of Autism - S.3895, sponsored by Senator Parker, directs the Commissioners of the Office for People with Developmental Disabilities, Education, Health, Children and Family Services, and Mental Health to conduct a study on the early diagnosis and long-term treatment of autism spectrum disorder.

Maternal Depression - S.7409 (Chapter 62 of 2018), sponsored by Senator Krueger, requires the Department of Health and the Office of Mental Health to provide information on how to locate treatment providers and supports for maternal depression. It also requires the Department of Health to inform healthcare providers of the importance of raising awareness about maternal depression.

Therapy Dogs – S.7319 (Chapter 37 of 2018), sponsored by Senator Marchione, requires the Commissioner of Agriculture and Markets to conduct a study on the necessity of standards for the certification, training, and evaluation of therapy dogs.

Enteral Formula Coverage-S.8924, sponsored by Senator Seward, clarifies the law to ensure health insurance coverage of medically necessary enteral formula.

Providers & Facilities

Pharmacy Benefit Managers - S.6940, sponsored by Senator Hannon, bars Pharmacy Benefit Managers (PBMs) from prohibiting or penalizing pharmacists from disclosing the cost of a prescription medication and the availability of therapeutically equivalent alternatives or alternative payment methods that may be less expensive to individuals. It also bars the imposition of copayments that exceed the total submitted charge by the pharmacy and prohibits the PBM from redacting or recouping the adjusted cost from the pharmacy. This provision was ultimately adopted as part of the SFY 18-19 budget.

Standing Order for the Care of Newborns – S.8774B, sponsored by Senator Hannon, would allow hospitals to establish non-patient specific standing orders for registered nurses (RNs) to initiate upon the birth of a healthy newborn in their facility. New York law authorizes "non-patient specific regimens" to allow RNs to conduct tests without a patient-specific order from a physician for each individual. Since the law does not explicitly include standing orders for the care of healthy newborns, some authorities interpret hospital standing orders for newborn care to be illegal. This legislation would make the changes necessary to allow hospitals to establish standing orders for the care of newborns.

Nurse Education – S.7320, sponsored by Senator Flanagan, is a chapter amendment to Chapter 502 of the laws of 2017, which increased the level of education for continued registration as a registered professional nurse ten years after initial licensure, and created a temporary nursing program evaluation commission. This bill would make technical changes to chapter 502 of 2017 by allowing the temporary commission on nursing program evaluation to make recommendations on the impacts of requiring a baccalaureate degree and adding a new exemption to requiring baccalaureate degrees for certain areas of the state. Thus, the bill aims to increase the level of education while still maintaining the multiple entry points into the profession.

Early Intervention Coordinating and MCHSBG Councils – S.8392A, sponsored by Senator Hannon, would clarify the definition of a quorum for the Early Intervention Coordinating Council (EICC) and the Maternal Child Health Services Block Grant Advisory Council (MCHSBG) to mean a majority of the appointed voting membership, as opposed to a majority based on the total number of members required to be appointed to the Council.

Dormitory Authority (DASNY) – S.8648, sponsored by Senator Hannon, would amend the Medical Care Facilities Finance Agency Act (MCFFA Act) to increase the authorization of DASNY to issue hospital and nursing home project bonds and notes from \$15.8 billion to \$16.6 billion. This legislation is needed to ensure that DASNY has sufficient capacity to support additional healthcare projects as they seek financing.

The Terence Cardinal Cooke Health Care Center – S.8822, sponsored by Senator Hannon, would extend the authority to include the Terence Cardinal Cooke Health Care Center on the list of entities for which The Dormitory Authority of the State of New York (DASNY) may provide financing and construction services from December 31, 2018, to December 31, 2023.

Body Scanners in Local Correctional Facilities – S.5337, sponsored by Senator Hannon, would allow the non-medical use of body scanners, which emit low dosage ionizing radiation, on inmates in local correctional facilities. The goal is for these scanners to reduce invasive body cavity searches and the amount of contraband getting into jails. Of particular concern are ceramic craft blades, which are not detected by metal detectors or pat downs, and have led to increased slashings on Rikers Island.

Classifications for Nurse Practitioners - S.7290 (Chapter 17 of 2018), sponsored by Senator Hannon, requires the civil service department to study and report on establishing classifications

for nurse practitioners that are proportional to their education, experience, duties, certifications, and to recommend an appropriate salary grade allocation for such positions, by July 1, 2018.

Clinical Laboratory Supervisory Requirements - S.7521A, sponsored by Senator Hannon, would establish supervision requirements for each clinical laboratory that work to accommodate and cater to the differing supervisory needs of each laboratory. Currently, the clinical lab supervision requirements laid out in New York's Codes, Rules, and Regulations greatly exceed the requirements contained in the federal Clinical Improvement Act (CLIA). This legislation would allow supervision via phone or synchronous 2-way AV communication, pursuant to regulations by the Department, and cap the number of labs a supervisor can oversee at five.

Health Care Proxies - S.7713B, sponsored by Senator Hannon, adds “nurse practitioner,” “attending nurse practitioner,” or “psychiatric nurse practitioner,” to the list of health care providers involved in determining capacity for purposes of executing or implementing a health care proxy, and allows them to act as witnesses to state that the proxy was willingly executed and done so free from duress.

Physical Therapy Assistants in Home Care Settings - S.8217 (Chapter 107 of 2018), sponsored by Senator LaValle, allows physical therapy assistants to provide services in home care settings when the supervising physical therapist establishes a program of care for the patient.

Hospice Services for Residents of Assisted Living Programs – S.8353A, sponsored by Senator Hannon, allows assisted living residents to remain in their facility at the end of their life by permitting individuals receiving Assisted Living Program (ALP) services to also receive hospice services. It also allows the Commissioner to modify the scope of personal care services in order to prevent duplicative services by hospice and the Assisted Living Program.

Funeral Director Licensure - S.8878, sponsored by Senator LaValle, ensures that licensed funeral directors, whose registrations were not renewed as of June 30, 2018, are able to continue practicing funeral directing without interruption, unless the Department of Health determines that the licensee committed misconduct with regards to obtaining their license.

Treatment of Injured Employees – S.6666, sponsored by Senator Amedore, would allow injured employees to receive specialized medical treatment from qualified acupuncturists under the Workers' Compensation Program by expanding the current Workers' Compensation Law in the state to include acupuncturists.

Death in Adult Care Facilities – S.7282 (Chapter 64 of 2018), sponsored by Senator Alcantara, would improve current reporting requirements related to resident deaths, attempted suicides, or felonies committed against residents in certain adult care facilities. This bill makes these requirements, already applicable to adult homes and residences for adults, applicable to enriched housing programs as well, and requires that felonies be reported within 24 hours rather than 48 hours, as set forth in existing law.

Eligibility for Medical Assistance – S.7328, sponsored by Senator Ortt, requires the Department of Health to provide a written notice to applicants for medical assistance whose income may be in excess of what is required to qualify for Medicaid on the availability of special needs trusts. This legislation would help ensure that people with disabilities have more options when it comes to remaining in the most integrated setting appropriate for their needs.

Medical Malpractice – S.7588A (Chapter 1 of 2018), sponsored by Senator DeFrancisco, is a chapter amendment to Chapter 506 of the laws of 2017, which amended the statute of limitations for medical, dental or podiatric malpractice for actions involving a failure to diagnose cancer or a malignant tumor. Under this legislation, the statute of limitations includes a discovery of injury rule, allowing the current two and a half year statute of limitations to run from the date an injured patient discovers, or should have discovered, that their injury was caused by malpractice. Thus, this legislation recognizes that some injuries do not manifest themselves at the time of the negligent act and prevents a patient's rights from expiring prior to them even knowing they had an issue in the first place.

Residential Care Off-site Facility - S.8926 (Chapter 101 of 2018), sponsored by Senator Robach, would extend the demonstration project that allows for the provision of physical, occupational and speech therapy by a residential health care facility at an off-site location until June 2021. Under the demonstration project, the Department of Health approves up to three residential health care facilities to provide physical, occupational and speech therapy, as well as related educational services, at an off-site facility as a means to assess reimbursement methodologies and delivery methods related to such services.

Autism Screening - S.8955, sponsored by Senator Ortt, would direct the Department of Health to establish protocols for developmental screenings for children three years and under that are in compliance with guidelines established by the American Academy of Pediatrics for children in that age bracket.

Long-term Care (LTC) Ombudsman Program – S.9002, sponsored by Senator Dilan, would bring the Elder Law in line with federal statute and newly promulgated federal regulations so that the state law that governs the Long-Term Care Ombudsman Program (LTCOP) is in conformance with the federal law and regulations that govern the LTCOP. The New York State Office for the Aging compelled to have the Elder Law be in compliance and conformance with federal law and regulations because failure to do so would jeopardize federal funding not only for the LTCOP, but for all the Older Americans Act (OAA) funded services administered by NYSOFA and their network of aging services providers, which includes county sponsored area agencies on aging and not-for-profit aging services providers.

Significant Health Legislation Passed Senate Only

Lowering Standard for Elevated Blood Lead Levels - S.9078, sponsored by Senator Hannon, seeks to protect the health of New York's children by lowering the statutory standard for elevated blood lead levels from 10 pg/dL to 5 pg/Dl and setting for the CDC guidance or case management that must be provided at various blood lead levels. The legislation provides that should the Department of Health attempt to establish a different blood lead level by regulation, they would only be allowed to establish a level that is lower than 5 pg/dL.

Anaphylactic Policy for Child Care Services - S.8785, Sponsored by Senator Hannon, directs the Commissioner of Health to establish an anaphylactic policy for childcare services, which include day care centers, nursery schools and preschool programs. The policy must include a procedure and treatment plan, training, and other elements to be followed by childcare service personnel responding to anaphylaxis.

Maternal Mortality Review Board - S.8907, sponsored by Senator Hannon, creates the Maternal Mortality Review Board in an effort to study and make recommendations to reduce maternal mortality and morbidity. The review board would assess the causes of death, factors leading to death, preventability for each maternal death, and develop strategies for reducing the risk of maternal mortality.

Minimum Wage Pass Through for MLTC Providers - S.8473A, sponsored by Senator Hannon, ensures that all monies appropriated by the State to support the direct care cost of minimum wage increases for home care workers are distributed by plans in a timely manner, and in their entirety, in order to allow home care workers to receive their deserved increase in wages while protecting the economic viability of the home care industry.

Exceptions to the LHCSAs - S.8942, sponsored by Senator Hannon, gives the Commissioner of Health the authority to provide exceptions to the Licensed Home Care Services Agencies (LHCSAs) moratorium if he or she deems the application is consistent with the state's goals of consolidation and improving care delivery. In the 2018-19 adopted budget, a two-year moratorium was placed on the licensing of LHCSAs. The Department of Health released guidance on May 10th and sent letters to hundreds of providers with pending applications before the Department, many for a year or more; almost all of the applicants were advised that they did not meet the existing statutory exceptions and that their applications were no longer active. This legislation clarifies the original intent and provides a vehicle by which the Commissioner may provide exceptions to the moratorium when necessary.

Opioid Epidemic & Substance Use Disorders:

- ❖ **Notifying Prescribers of Patients' Past Overdose** - S.2639, sponsored by Senator Lanza, requires hospitals and emergency room physicians to consult the prescription-monitoring registry and notify the patient's prescriber of the patient's treatment for an overdose, as such notification provides information that is vital for the proper medical treatment of the patient.

- ❖ **Substance Use Disorder & Gambling Programs** - S.898A, sponsored by Senator Amedore, authorizes the Office of Alcoholism and Substance Abuse Services (OASAS) to provide grant funding to substance use disorder and gambling programs operated by business entities, in addition to local governments and voluntary agencies; this would allow a greater number of providers to participate in state programs and enhance treatment and recovery options for New Yorkers.
- ❖ **Scheduling of Fentanyl Derivatives** - S.5884A, sponsored by Senator Jacobs, designates certain fentanyl derivatives as Schedule I and Schedule II substances, as fentanyl and fentanyl-combined drugs are a major driver of the many recent overdoses in New York State.
- ❖ **Prescribing Opioids to Minors** - S.5949, sponsored by Senator Akshar, addresses the growing epidemic of opioid addiction by prohibiting practitioners from prescribing opioids to minors for more than seven days, and requiring practitioners to address key topics with minors and their parent or guardian before they are issued a prescription containing an opioid.
- ❖ **Kratom** – S.6924, sponsored by Senator Helming, would prohibit individuals under the age of eighteen from purchasing or possessing any products containing kratom.
- ❖ **Drug Disposal Sites** - S.6673, sponsored by Senator Hannon, directs the Departments of Health and Environmental Conservation to create and maintain a statewide web listing of all controlled substances and other prescription drug disposal sites, events, as well as other disposal options for consumers in the state.

Water Contamination & Lead:

- ❖ **Disposal of Toxic Pollutants** - S.2602, sponsored by Senator Lanza, prohibits the disposal of any dredged spoils containing toxic pollutants into the waters of the marine district, which are defined as the waters of the Atlantic Ocean within 3 nautical miles from the coast line and all other tidal waters within the state, except the Hudson River northerly of the south end of Manhattan Island.
- ❖ **Harmful Algal Blooms** - S.7752, sponsored by Senator Murphy, creates a mechanism by which the state can study, respond to, and mitigate harmful algal blooms.
- ❖ **Perfluorooctanoic Acid in Municipal Water in Petersburg** - S.8408, sponsored by Senator Hannon, requires the Department of Health to assess alternatives to eliminate or reduce perfluorooctanoic acid in the municipal water supply in Petersburg, New York.

Smoking-related Legislation:

- ❖ **Smokeless Tobacco on School Grounds** - S.4677, sponsored by Senator Sanders, prohibits the use of smokeless tobacco on school grounds in the same way that tobacco is currently prohibited in such a space.

- ❖ **Electronic-cigarettes and Liquid Nicotine** – S.8609A, sponsored by Senator Hannon, would expand current school-based programs and marketing initiatives aimed at reducing tobacco use, to include electronic cigarettes and liquid nicotine use, and directs the Tobacco Use Prevention and Control Advisory Board to advise the Commissioner on prevention and control of electronic cigarette and liquid nicotine use amongst minors. The bill would also require any person selling or offering electronic cigarettes or liquid nicotine, to register with the Department of Taxation and Finance in order to sell such products.

Lyme & other Tick-borne Diseases:

- ❖ **Graduate Education on Lyme & other Tick-borne Diseases** - S.2621A, sponsored by Senator Serino, authorizes the Commissioner of Health to award grants for graduate medical education in Lyme and tick-borne diseases, and to designate organizations as centers of excellence for Lyme and other tick-borne diseases.
- ❖ **Diagnosis & Treatment of Lyme & other Tick-borne Diseases** - S.6926, sponsored by Senator Hannon, requires the Commissioner of Health to work with health care providers and experts to develop a standard protocol and patient notification system for the diagnosis and treatment of Lyme and other tick-borne diseases.
- ❖ **Examination of Deceased People with Lyme or other Tick-borne Diseases** - S.7168, sponsored by Senator Serino, requires coroners, pathologists, medical examiners, and others qualified to conduct examinations of deceased people to report cases to the Department of Health when the deceased person was afflicted with Lyme or other tick-borne diseases.
- ❖ **Testing Children for Lyme and other Tick-borne Diseases** - S.7169, sponsored by Senator Serino, creates a pilot program, to be established by the Commissioner of Health, centered on testing children for Lyme and other tick-borne diseases.
- ❖ **Blood Donation by Patients with Lyme or other Tick-borne Diseases** - S.7208, sponsored by Senator Serino, requires the Council on Human Blood and Transfusion Services in the Department of Health to review current medical research and guidance related to the donation of blood by patients with a history of Lyme and other tick-borne diseases, and provide recommendations to the Commissioner of Health on the collection and distribution of such blood.
- ❖ **Parent Notification Protocol when Student has Tick Removed** - S.8534, sponsored by Senator Serino, directs the Commissioners of Education and Health to promulgate and review rules and regulations related to the parent notification process when a pupil has a tick removed from them during school or a school sponsored activity.
- ❖ **Access to Care, Treatment of Lyme & Health Insurance Coverage** - S.8539, sponsored by Senator Serino, directs the Superintendent of Financial Services and Commissioner of Health to study the relationship between patient access to care, treatment of Lyme disease and health insurance coverage.

Organ Donation:

- ❖ **Transportation of Human Organs - S.2162A**, sponsored by Senator Serino, designates any vehicles operated by an organ procurement organization, for the purpose of transporting human organs, as authorized emergency vehicles in order to expand available options for transporting organs in such situations.
- ❖ **Donate Life Registration – S.6963**, sponsored by Senator Larkin, creates another path to increase enrollment in the New York Donate Life Registry by allowing people to register when applying for or renewing a hunting, fishing or trapping license.

Mental Health:

- ❖ **Extending Kendra’s Law - S.516B**, sponsored by Senator Young, aims to improve care for people with serious mental illness and to protect the safety of patients and the public. This bill would streamline and improve New York’s Assisted Outpatient Treatment Program by extending the existing law. Kendra’s law, originally enacted in 1999 (Chap. 408), established a statutory framework for court ordered assisted outpatient treatment (AOT), which is intended to ensure that individuals with mental illness and a history of hospitalizations or violence participate in community based treatment appropriate to their individual needs. The law also provides a process for obtaining court orders for individuals with mental illness who meet specific criteria to receive and engage in outpatient treatment.
- ❖ **Mental Health Services in Schools - S.7805**, sponsored by Senator Croci, creates a Mental Health Services Coordinator Program, sets specific qualifications for a mental health services program coordinator, and establishes a grant program to reimburse school districts outside of New York City for the hiring of a mental health services professional.
- ❖ **Rural Suicide Prevention Council - S.7920B**, sponsored by Senator Valesky, creates a rural suicide prevention council to reduce the growing rate of suicide in rural New York.

Health Insurance:

- ❖ **In Vitro Fertilization (IVF) – S.8441B**, sponsored by Senator Phillips, requires insurance coverage in every policy issued in New York State for hospital, surgical, or medical care for the treatment of infertility by means of in vitro fertilization or standard fertility preservation. Medical insurance policies would have to provide a maximum lifetime limit of \$50,000 coverage for the treatment of infertility. Provisions exempting in vitro fertilization coverage requirements for group or blanket accident and health insurance plans would be repealed from the Insurance Law. Additionally, the Superintendent of the Department of Financial Services (DFS) and Commissioner of Health would be required to report on the impact that IVF and fertility preservation would have on insurance premiums, as well as the overall cost to the state.
- ❖ **Health Insurance Revenues from Tax Cuts - S.7587A**, sponsored by Senator Hannon, requires that any revenue gained by for-profit health insurance plans as a direct result of the federal Tax Cuts and Jobs Act of 2017 be returned to consumers and taxpayers.

Health Care Professions:

- ❖ **Supervision of Physician Assistants - S.2246**, sponsored by Senator Hannon, removes the limitation on the number of physician assistants (PAs) that may be supervised by a particular physician at any one time in an effort to increase efficiency and access to primary care.
- ❖ **Including Dentists in DANY Program - S.3939A**, sponsored by Senator Young, allows dentists to be included in the distribution of funds for the Doctors Across New York program, in an effort to provide more dental services to underserved areas of the state.
- ❖ **Registered Professional Nurses Providing In-home Care to their Relatives - S.6054A**, sponsored by Senator Hannon, allows Medicaid recipients who have been approved for in-home private duty nursing to apply to the Commissioner of Health to allow a relative who is a registered professional nurse, licensed in New York State, to provide nursing care to the recipient at the nursing rate of pay.
- ❖ **Removing Requirement of Collaborative Agreements for Purchase of AEDs - S.6358**, sponsored by Senator Hannon, removes the requirement of collaborative agreements between emergency health care providers and entities looking to purchase automated external defibrillators (AEDs), as such devices have become more user friendly over the years and have made such collaborative agreements unnecessary.
- ❖ **Labor Market Study of Home Care & Hospice Workforce – S.8559**, sponsored by Senator Serino, would direct the Commissioner of Labor, with the assistance of collaborating state agencies, to conduct a competitive labor market study to assess and make recommendations for home care and hospice capability to compete in the labor market. This study would be aimed at understanding the recruitment and retention of direct care staff needed to meet patient and health system needs, and to establish a taskforce to promote entrance, practice, career development and retention in home health and hospice occupations— including home health aide, nursing, physical therapy, occupational therapy, social work and others designated by the Commissioner.
- ❖ **Office-based Surgery Workgroup – S.8474**, sponsored by Senator Hannon, would create an office-based surgery workgroup consisting of nine members to be appointed by the Governor to review the history of the office-based surgery (OBS) industry in the state, the impact the law has had on the number and distribution of OBS entities, patient access, rates of reimbursement, as well as industry trends and comparisons with respect to cost, access and scientific data regarding patient outcomes. The workgroup would also be charged with making recommendations to the Legislature relating to their findings.

Traumatic Brain Injury (TBI) - S.1870, sponsored by Senator Hannon, maintains Medicaid services provided under a federal waiver to people with traumatic brain injuries or qualifying for nursing home diversion and transition services instead of moving them into managed care.

Aging in Place Council - S.7949B, sponsored by Senator Serino, creates the Aging in Place Council to study and provide recommendations for improvements that will promote older persons being able to age in place.

Sepsis Prevention, Screening, Intervention & Education – S.8669, sponsored by Senator Hannon, authorizes state Department of Health support for home care sepsis screening, prevention, intervention, mitigation, cross-sector collaboration and public education. This legislation would further assist both home care and continuum partners in mutual work to address sepsis by providing key support in principal areas of technical need required for the adoption and implementation of this sepsis innovation. Lastly, this bill would further synchronize home care with clinical partners across the continuum of care (hospitals, physicians, EMS, health plans, and others) in a coordinated response to sepsis.

Informational Materials on Menstrual Disorders – S.8543, sponsored by Senator Serino, would direct the Commissioner of Health, in conjunction with the Commissioner of Education, to create informational materials to be provided to school districts and health care practitioners, upon request, on menstrual disorders. Such materials would need to include information on symptoms, the importance of menstrual health, statistics on endometriosis and other menstrual disorders, best practices on being one's own healthcare advocate, and basic treatment options and recommendations for follow-up care.

Exemptions from Certain Electronic Prescription Requirements – S.8943, sponsored by Senator Hannon, would allow non-electronic prescriptions to continue to be made through the long-established mechanism of oral prescriptions being submitted by nursing homes for their residents. This is very helpful, as physicians are not physically present in nursing homes 24 hours a day, which makes nurses crucial to ensuring proper medication administration in nursing homes. The state has provided a waiver to the e-prescribing statute through an administrative directive each year, and this bill would provide a statutory waiver past the October 2018 date, which is when the state's current waiver expires.

Legislative Summary Chart

	Chaptered	Passed Both Houses		Senate Only		Page
Opioids	S.9100	S.8987A S.8275B	S.6544B	S.2639 S.898A S.6673	S.5884A S.5949 S.6924	Ch: Pg. 4 PBH: Pg. 4 S. Only: Pg. 11-12
Lead	S.7295			S.9078		Ch: Pg. 6 S. Only: Pg.11
Water		S.6655 S.8254A	S.4812 S.7853A	S.2602 S.8408	S.7752	PBH: Pg. 5 S. Only: Pg. 12
Lyme		S.7170A S.7242	S.7171A	S.2621A S.7168 S.7208 S.8539	S.6926 S.7169 S.8534	PBH: Pg. 5 S. Only: Pg. 13
Women/Children/Families	S.7408 S.7409 S.7319	S.8977 S.3895	S.2816B S.8924	S.8907	S.8543	Ch: Pg. 7 PBH: Pg. 6 - 7 S. Only: Pg. 11 & 16
Providers & Facilities	S.7290 S.8217 S.7282 S.7588A S.8926	S.5337 S.7521A S.8353A S.8648 S.8822 S.7320 S.7328 S.9002	S.6940 S.7713B S.8392A S.8774B S.8878 S.6666 S.8955	S.8473A S.7949B	S.8942 S.8943	Ch: Pg. 8-10 PBH: Pg. 7-10 S. Only: Pg. 11 & 16
Smoking	S.1223	S.7522A	S.169B	S.4677	S.8609A	Ch: Pg. 5 PBH: Pg. 6 S. Only: Pg. 12-13
Anaphylactic Policies				S.8785		S. Only: Pg. 11
Crohn's & Colitis	S.7327					Ch: Pg. 4
Mental Health				S.516B S.7805	S.7920B	S. Only: Pg. 14
Organ Donation		S.2496B		S.2162A	S.6963	PBH: Pg. 4 S. Only: Pg. 14
Tanning Salons		S.5585A				PBH: Pg. 4
Traumatic Brain Injury				S.1870		S. Only: Pg. 15
Prostate Cancer Screening		S.6882A				PBH: Pg. 6
Sepsis Awareness	S.7280			S.8669		Ch: Pg. 6 S. Only: Pg. 16
Dietary Supplements through SNAP		S.9008				PBH: Pg. 6
Health Insurance				S.8441B S.2246 S.6054A S.8559	S.7587A S.3939A S.6358 S.8474	S. Only: Pg. 14
Health Care Professions						S. Only: Pg. 15

Chaptered = Ch

Passed Both Houses = PBH

Passed Senate Only = S. Only

Roundtable Discussions

Guardianship under Article 81 of the MHL

January 8, 2018

Albany, NY

The Senate Standing Committees on Health and Judiciary held a Roundtable discussion to examine issues relating to court ordered adult guardianship. Often times, with age and disability comes an increased reliance on the assistance of others; such assistance may encompass aid with paying one's bills, arranging for their medical care, their meals, and so on. While in some cases one's family members or friends are able to assume this guardianship role and cater to such needs, many find themselves with no family or friends to turn to. For individuals lacking the mental capacity and financial means to pay for the assistance of a guardian, many of whom rely exclusively on social security, the state and county become the safety net. While each county in New York has an Adult Protective Services Office, there are often various issues regarding the appointment of guardianship, particularly for those individuals who lack resources to pay for a guardian. Having a guardian can help an incapacitated individual remain in the community and even delay the need for Medicaid. Thus, this Roundtable brought together state and county agencies, judges, advocates and experts in the field in an effort to explore the ways in which we can ensure that New York State's guardianship system is comprehensive and effective. The Senate secured \$500,000 in the 2018-19 SFY budget to establish court ordered guardianship demonstration programs in Nassau and Suffolk Counties.

Webcast of Guardianship Roundtable:

<https://www.nysenate.gov/calendar/events/health/kemp-hannon/january-08-2018/explore-how-improve-new-york-states-article-81>

Participants:

- **Hon. Arthur M. Diamond**, Supreme Court Justice, Nassau County
- **Hon. David H. Guy**, Surrogate Court Judge, Broome County
- **Michele Gartner, Esq.**, Special Counsel for Surrogate & Fiduciary Matters, Office of Court Administration
- **Alan J. Lawitz**, Adult Protective Services Director, Office of Children and Family Services
- **Sheila Harrigan**, Executive Director, New York Public Welfare Association
- **Tara Anne Pleat, Esq.**, Vice Chair Elder Law and Special Needs Section, NYS Bar Association
- **Jean Callahan, Esq.**, Attorney-in-Charge of Brooklyn Neighborhood Office, The Legal Aid Society
- **Karen L. Nicolson, Esq.**, Chief Executive Officer, Center for Elder Law and Justice
- **John Holt, Esq.**, Deputy Director of Legal Services, Vera Institute of Justice Inc., Guardianship Project

Ensuring Access to Naloxone

May 22, 2018

Albany, NY

The Senate Standing Committees on Health and Insurance, and Senators George A. Amedore, Jr., Fred Akshar, and Chris Jacobs, Co-chairs of the Senate Task Force on Heroin and Opioid Addiction, held a Roundtable discussion on access to opioid antagonists, such as Naloxone. The discussion primarily explored access and coverage issues in New York State since the continued rise in overdose deaths. It also examined the impact of the measures New York has already adopted in an effort to expand access to this life saving medication. Such measures include: providing free access through the Opioid Overdose Prevention Program, providing additional funding to equip first responders, creating the N-CAP program to cover the cost of co-payments for those receiving Naloxone through a commercial insurance, changing laws to allow for standing orders for community organizations and pharmacies needing to distribute to individuals without a patient specific prescription, and providing Good Samaritan protections to individuals who save another's life. Despite these efforts, issues with access and coverage are still widespread; thus, this Roundtable aimed to foster a much-needed dialogue between various stakeholders working on the matter, and revealed various opportunities to provide better access to Naloxone and get people the follow-up care they need after an overdose reversal.

Webcast of Ensuring Access to Naloxone Roundtable:

<https://www.nysenate.gov/calendar/events/health/kemp-hannon/may-22-2018/explore-access-and-coverage-opioid-antagonists-such>

Participants:

- **Valerie White**, Deputy Director NYS Department of Health, AIDS Institute
- **Robert A. Kent, Esq.**, Chief Counsel NYS Office of Alcoholism and Substance Abuse Services
- **Thomas Fusco, Esq.**, Senior Attorney NYS Department of Financial Services, Behavioral Health Bureau
- **Robert Delagi**, Director Suffolk County EMS/SEMSCO member
- **Peter Volkmann**, MSW, Chief Chatham Police Department
- **Michael Dailey**, M.D. Albany Medical Center/ Regional EMS Medical Director
- **Frank Dowling**, M.D. Psychiatrist/ Member, AMA Task Force on Opioid Abuse
- **Silas Smith**, M.D., Clinical Associate Professor Department of Emergency Medicine, NYU Langone
- **Jeffrey Reynolds**, Ph.D., CEO Family and Children's Assoc.
- **Mike Duteau**, R.Ph., President Chain Pharmacy Association of NYS
- **Kasey Lynn Gaeta, Esq.** CVS Caremark Corp.
- **Michael Vitali**, Senior Director, Gov't. Affairs (Via Skype) ADAPT Pharma
- **Eric Linzer**, CEO New York Health Plan Association
- **Sean Doolan**, Esq., Hinman Straub NYS Conference of BC/BS Plans

Low Nitrogen Fertilizer on Long Island

May 29, 2018
Farmingdale, NY

The Senate Standing Committees on Health and Environmental Conservation held a Roundtable Discussion on state legislation, S.8170/A.10276, limiting the sale and use of certain non-agricultural nitrogen fertilizer on Long Island. Excess nitrogen has been proven to contribute to Harmful Algal Blooms (HABs) in marine and freshwater environments. Recognizing Long Island's sandy soil and uniquely fragile ecosystem, the Senate appropriated \$5 million in 2016 to study and create the Long Island Nitrogen Action Plan, and in the 2017-18 budget, funding from the \$2.5 billion Clean Water Bond Act of 2017 was made available for septic system replacement to address high nitrogen loads. Several scientific studies have identified lawn fertilizer as another significant contributor to excess nitrogen. In addition to nitrogen contributing to HABs, high nitrogen levels threaten Long Island's aquifer, the areas sole source of drinking water. Since nitrogen is a soluble substance, it deeply immerses into the soil after a rainstorm or after irrigation; when this happens, the nitrogen is able to reach ground water ways and wells in the surrounding area. Nearly 3 million people live on Long Island and depend on the aquifer for their drinking water. Thus, this Roundtable aimed to discuss how nitrogen fertilizers could be managed and/or reformulated to help reduce nitrogen contamination of water bodies on Long Island.

Webcast of Low Nitrogen Fertilizer on Long Island Roundtable:

<https://www.nysenate.gov/calendar/events/health/kemp-hannon/may-29-2018/consider-state-legislation-which-would-limit-sale-and>

Participants:

- **Anthony Leung**, P.E., M.B.A., Department of Environmental Conservation, Regional Water Engineer
- **David Berg**, Long Island Regional Planning Council, Program Manager
- **Doug Wood**, Grassroots Environmental Education, Associate Director
- **Nick Menchyk**, PhD, Farmingdale State College, Assistant Professor of Urban Horticulture and Design
- **Jeff Fedorchak**, Trugreen, Vice President Corporate Affairs
- **George Starkie**, Nassau Suffolk Landscape Gardners Association
- **Mark Slavens**, Scotts Miracle Gro, Vice President of R&D
- **Thomas Kaplun**, Long Island Golf Course Superintendents Association, Director
- **Robert Carpenter**, Long Island Farm Bureau, Administrative Director
- **Adrienne Esposito**, Citizens Campaign for the Environment, Executive Director
- **Tyrand Fuller**, Suffolk County Water District, Lead Hydrogeologist
- **Christopher Gobler**, Ph.D., Stony Brooke University, Professor of Marine and Atmospheric Sciences
- **Carol Isles**, Long Island Nursery and Landscape Association, President
- **Alison Branco**, Ph.D., The Nature Conservancy, Coastal Director