

2019 Annual Report

New York State Standing Committee on Health



Senator Gustavo Rivera
Chair

**2019 LEGISLATIVE SESSION REPORT
NEW YORK STATE SENATE
STANDING COMMITTEE ON HEALTH**

Senator Gustavo Rivera, Chairperson

Committee Members

Majority

Brian A. Benjamin
Alessandra Biaggi
David Carlucci
Brad Hoylman
Todd Kaminsky
Velmanette Montgomery
Jen Metzger
Julia Salazar
Toby Ann Stavisky

Minority

Patrick M. Gallivan
Ranking Member
Betty Little
Patty Ritchie
Chris Jacobs
Robert Antonacci

Committee Staff

Kristin G. Sinclair – Committee Director
Jay Baez – Health Committee and Policy Analyst
Annette Highley – Senate Fellow

**SENATOR
GUSTAVO RIVERA**
33RD DISTRICT

**NEW YORK
STATE
SENATE**

ALBANY, NEW YORK 12247



**CHAIRMAN, MAJORITY MEMBER
HEALTH
COMMITTEES:
CRIME VICTIMS, CRIME AND
CORRECTION
FINANCE
HOUSING
MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES
SOCIAL SERVICES**

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader
New York State Senate
Albany, NY 12247

January 17, 2020

Dear Senator Stewart-Cousins,

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Health for the 2019 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters regarding the health of New Yorkers under my Committee's jurisdiction.

During the 2019 session, this Committee met 10 times in session and reported 136 bills. We also considered four nominees to the Public Health and Health Planning Council, two nominees to the Administrative Review Board of Professional Medical Conduct and one nominee to the State Camp Safety Advisory Council. All nominees were referred by the Health Committee to the Finance Committee for further consideration. This past year, the Committee also held six public hearings (topics included Suicide and Suicide Prevention, Regulating E-Cigarettes and Vaping, and the New York Health Act) and two Roundtable discussions (on Asthma and Health Disparities).

As Chair, I also Co-Chaired the Joint Senate Task Force on Opioids, Addiction & Overdose Prevention with Senators Pete Harckham and David Carlucci. The Task Force conducted four Public Hearings, four Roundtable discussions, and several site visits between August and November of 2019.

In addition to the Public Hearings and Roundtables, as Chair of the Health Committee, I held two Legislative Briefings in Albany during the past year. The first was a joint briefing with Assembly Health Committee Chair Richard N. Gottfried on the federal government's proposed Public Charge Rule. The second was co-sponsored by Assembly Member John T. McDonald on the signs and dire consequences of sepsis.

Finally, throughout the year, I travelled across the state for various site visits. These included visiting Upstate Medical Center with Senator Rachel May, Wyoming Hospital and Erie County Medical Center with Senator Patrick M. Gallivan, and Roswell Park Cancer Center and the University of Buffalo's Jacobs School of Medicine with Senator Timothy M. Kennedy. I also toured Vassar Brothers Medical Center with Senator Sue Serino, Maimonides Medical Center and Brookdale University Hospital Medical Center. In addition to visiting many health care centers around the State, I organized a trip to Toronto, Canada for Senators and was joined by Senators Patrick Gallivan, Pete Harckham, Roxanne Persaud, and Diane Savino. We heard

from many experts on the Canadian model of single payer health care and toured several facilities including a supervised consumption site, Sumac Creek Health Center, and St. Michael's Hospital.

I thank my colleagues who served on the Health Committee for their efforts and support of the work that was accomplished by our Committee this year, and I thank you for the continued support from the Majority Conference in the Committee's operations.

Sincerely,

Gustavo Rivera, Chair
Senate Health Committee

COMMITTEE JURISDICTION AND OVERVIEW

The New York State Senate Standing Committee on Health has legislative oversight responsibilities for issues concerning health and public health care coverage such as Medicaid. The Committee oversees the Department of Health, which is responsible for a wide array of health care matters including health care providers, facilities and services, and public health generally. The agency's Office of Health Insurance Programs is responsible for Medicaid, which covers, but is not limited to Medicaid Managed Care, Managed Long-Term Care, the Medicaid Redesign Initiatives, Value-based Payments, and social determinants of health activities.

During the 2019 Legislative Session, 404 bills were referred to the Committee for its review. Of these bills, 136 were reported from the Committee. Ultimately, 86 were passed by the Senate and 58 passed in both houses. This work was conducted through a series of 10 Committee meetings. A list of all bills that were reported from the Committee is provided at the end of this report.

In addition to its regular meetings, the Committee held six Public Hearings and two Roundtable discussions. Four of the Public Hearings were held jointly with the Assembly Health Committee on the New York Health Act (S. 3577). The other two Public Hearings were on Suicide Prevention, with the Senate Mental Health and Developmental Disabilities Committee, and Vaping, with the Senate Education and Consumer Protection Committees. The Roundtable discussions were on Asthma, with the Senate Environmental Conservation Committee, and on Health Disparities.

Finally, the Committee is responsible for considering the Governor's nominees to various agencies, boards and councils and advancing them to the Senate Finance Committee for further consideration. During the 2019 session, the Committee advanced several of the Governor's nominees to three different bodies.

TWO HOUSE BILLS

In 2019, 58 of the 404 bills referred to the Standing Committee on Health passed both houses of the Legislature. Of these bills, the Governor has signed 37 and vetoed 21.

Bill	Sponsor	Summary	Action
S218B	Benjamin	Relates to requiring anaphylactic policies for child care services	Chapter 254 of 2019
S240	Krueger	Enacts the reproductive health act; repealer	Chapter 1 of 2019
S301A	Hoylman	Relates to including electronic cigarettes and liquid nicotine within the tobacco use and prevention program; and requiring the registration of vendors of electronic cigarettes	Chapter 256 of 2019
S474	Carlucci	Relates to certain central venous lines	Chapter 617 of 2019
S870	Hoylman	Relates to membership on the public health and health planning council	Veto 155 of 2019
S874	Rivera	Relates to rights of residents of adult care facilities	Chapter 646 of 2019
S987	Breslin	Authorizes the common council of the city of Albany, as the local legislative body, to establish the fee charged for issuance of birth and death records	Chapter 293 of 2019
S1073A	Rivera	Relates to expanding the health departments review of correctional health services	Veto 155 of 2019
S1092E	Persaud	Relates to the performance of a pelvic examination on an anesthetized or unconscious person	Chapter 360 of 2019
S1471A	Hoylman	Relates to offering plant-based food options in hospitals	Chapter 588 of 2019
S1668	Brooks	Relates to death certificates for persons whose death is caused by an opioid overdose	Chapter 443 of 2019

S1799	Rivera	Authorizes expedited partner therapy for certain sexually transmitted infections	Chapter 298 of 2019
S1803A	Rivera	Relates to continuing care retirement communities; repealer	Veto 157 of 2019
S1810	Rivera	Requires a utilization review of a request for nursing home care after an inpatient hospital admission to be completed within 24 hours of the request	Veto 256 of 2019
S1813	Rivera	Relates to the dispensing of partially filled prescriptions	Veto 151 of 2019
S1817	Rivera	Relates to home care and community based sepsis prevention, screening, intervention and education	Veto 257 of 2019
S1819	Rivera	Relates to establishing maternal mortality review boards and the maternal mortality and morbidity advisory council	Chapter 140 of 2019
S1820	Rivera	Relates to the moratorium on the processing and approval of applications for licensure of licensed home care services agencies	Veto 239 of 2019
S2279A	Hoylman	Relates to HIV post-exposure prophylaxis and other health care services for sexual assault victims	Chapter 681 of 2019
S2833	Savino	Increases the age to purchase tobacco products from 18 years old to 21 years old	Chapter 100 of 2019
S2958A	Krueger	Requires information on concussions and sub-concussive blows to be provided to all parents of children playing tackle football	Chapter 243 of 2019
S2984	Little	Relates to allowing health care professionals to perform services at the Ironman Lake Placid and the Ironman 70.3	Chapter 123 of 2019
S2994A	Hoylman	Relates to exemptions from vaccinations due to religious beliefs; and repeals subdivision 9 of section 2164 of the public health law relating to exemption from vaccination due to religious beliefs	Chapter 35 of 2019

S3118A	Hoylman	Provides for the synchronization of multiple prescriptions for recipients of medical assistance	Veto 243 of 2019
S3158	Ramos	Provides a premium reduction for physicians and licensed midwives who complete a risk management strategies course	Veto 238 of 2019
S3247B	Salazar	Authorizes certain law enforcement officers and firefighters to possess and administer epinephrine by use of an epinephrine auto-injector device	Chapter 633 of 2019
S3353	Ramos	Relates to informed consent for procedures in the course of education or training	Chapter 660 of 2019
S3387	Kaplan	Relates to lactation counseling services	Chapter 668 of 2019
S3419	Montgomery	Establishes the right of adoptees to receive a certified copy of their birth certificate upon reaching the age of 18	Chapter 491 of 2019
S3421A	Savino	Makes care and services provided by licensed mental health practitioners eligible for coverage under the Medicaid program	Veto 145 of 2019
S3960	Rivera	Relates to payments for behavioral health services	Chapter 451 of 2019
S3962A	Salazar	Requires general hospitals to establish policies/procedures regarding domestic violence; to establish training programs; to designate staff to coordinate services	Chapter 733 of 2019
S4023	Serrano	Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners	Chapter 73 of 2019
S4119	Liu	Prohibits emergency service providers from selling patient health information without written consent	Chapter 358 of 2019

S4181	Salazar	Relates to requiring that information be made available to parents regarding window blind safety	Chapter 648 of 2019
S4183	Rivera	Relates to exemptions from certain requirements for electronic prescriptions	Veto 135 of 2019
S4269	Rivera	Relates to applications for funds under the physician loan repayment and physician practice support programs	Veto 218 of 2019
S4423	Robach	Provides a program to promote leukemia, lymphoma and myeloma research, education and treatment and establishes the leukemia, lymphoma and myeloma research, education and treatment fund	Chapter 266 of 2019
S4497	Rivera	Relates to establishing the rare disease advisory council	Chapter 719 of 2019
S4498A	Rivera	Relates to the establishment of obstetric hemorrhage protocols	Chapter 662 of 2019
S4582	Sanders	Relates to conforming the definition of palliative care throughout the public health law	Chapter 494 of 2019
S4583	Sanders	Requires nursing homes to provide potential residents with policy on granting physician privileges prior to executing agreement	Chapter 492 of 2019
S4699	Ramos	Directs the commissioner of health to conduct a study relating to the number of emergency room beds	Veto 220 of 2019
S4770A	Salazar	Relates to enabling the commissioner of social services to review state plans for special transportation services for children	Veto 272 of 2019

S4841	Rivera	Relates to execution of orders not to resuscitate and orders pertaining to life sustaining treatments by physician assistants; repealer	Chapter 708 of 2019
S5113	Rivera	Relates to a quorum of the advisory council on lead poisoning prevention	Veto 273 of 2019
S5367	Comrie	Relates to requirements for the transfer of patient medical records upon the closure of a health care provider's office	Chapter 426 of 2019
S5381	Comrie	Directs the New York state department of health to conduct a study on asthma in the 5th congressional district	Veto 276 of 2019
S5485A	Rivera	Relates to automatic enrollment and recertification simplification for Medicaid eligible recipients	Veto 183 of 2019
S5568	Rivera	Relates to a quorum of the state camp safety advisory council	Chapter 330 of 2019
S5605	Rivera	Includes the record of completion of annually required in-service education in the state home care worker registry	Veto 184 of 2019
S5741	Skoufis	Relates to coverage and billing procedures in the Medicaid program for complex rehabilitation technology for patients with complex medical needs	Veto 142 of 2019
S5779	Serrano	Authorizes certain health care professional licensed to practice in other jurisdictions to practice in this state in connection with an event sanctioned by New York Road Runners	Chapter 80 of 2019
S5908	Rivera	Relates to reporting abuses of persons receiving care or services in residential care facilities	Chapter 677 of 2019

S5935A	Harckham	Relates to medication assisted treatment for substance use disorders	Veto 292 of 2019
S5960	Savino	Makes care and services provided by licensed clinical social workers eligible for coverage under the Medicaid program	Veto 149 of 2019
S6000A	Rivera	Implements amended provisions of the Uniform Anatomical Gift Act as drafted by the National Conference of Commissioners on Uniform State Laws; repealer	Chapter 742 of 2019
S6029	Rivera	Relates to extending the repeal date for hepatitis C testing in hospitals	Chapter 284 of 2019

SUMMARY OF COMMITTEE ACTIVITY

Bill	Sponsor	Summary	Significant Action
S428B	Hoylman	Relates to prohibiting the sale and distribution of flavored e-liquid for use in e-cigarettes	Passed Senate Only
S468	Rivera	Amends certain definitions relating to tobacco products and changes the minimum pack sizes for tobacco products and the tax amount for tobacco products	Reported from Committee
S470	Rivera	Provides that freestanding diagnostic and treatment centers receiving comprehensive family planning reproductive health services grants, shall be eligible for state aid for indigent care	Reported from Committee
S486	Rivera	Sets nutrition standards for restaurants distributing incentive items aimed at children	Reported from Committee
S499B	Rivera	Establishes Dakota's law relating to elevated lead levels in children	Reported from Committee
S592A	Carlucci	Enacts the "tobacco-free pharmacies act"	Reported from Committee
S750	Montgomery	Establishes the sexual assault forensic examiner grant program	Reported from Committee
S762	Tedisco	Exempts lemonade stands operated by persons under sixteen years of age from department of health permitting requirements	Reported from Committee
S842A	Montgomery	Relates to expanding lead testing in water to day care facilities	Reported from Committee
S984	Breslin	Relates to dihydropyrimidine dehydrogenase deficiency testing	Reported from Committee
S992	Young	Relates to services for individuals with traumatic brain injuries sustained after age twenty-one in rural areas	Reported from Committee
S1016	Serino	Relates to informational materials concerning menstrual disorders	Reported from Committee
S1072	Rivera	Relates to health facilities and services in correctional facilities	Reported from Committee
S1148	Carlucci	Prohibits the use of coupons or use of a price reduction instrument to lower the price of certain tobacco products	Reported from Committee

S1206	Ritchie	Requires restaurants that offer online delivery services to post their most recent sanitary inspection grade on their website	Reported from Committee
S1307	Serino	Relates to reporting lyme and tick-borne disease infection after death	Reported from Committee
S1342B	Rivera	Relates to procedures for making anatomical gifts; repealer	Passed Senate only
S1455	Sanders	Requires water works corporations to post water supply statements online	Passed Senate Only
S1544	Kennedy	Mandates the provision of lactation accommodations in airports	Passed Senate Only
S1652A	Skoufis	Provides that a fentanyl analogue shall be deemed to be a schedule I opiate	Passes Senate Only
S1693B	Krueger	Relates to requiring 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	Reported from Committee
S1728	Skoufis	Relates to establishing hospital-sponsored off campus emergency departments	Reported from Committee
S1795	Rivera	Includes in the health care and wellness education and outreach program certain illnesses which primarily affect women and for which there are no diagnostic tests or cures	Passed Senate Only
S1798	Rivera	Prohibits price gouging by manufacturers of prescription drugs	Passed Senate Only
S1801	Rivera	Establishes the category of "qualified group practice" for medical, dental and podiatric practices that comply with certain standards	Reported from Committee
S1811	Rivera	Relates to the appointment of the state medicaid director	Passed Senate Only
S1816	Rivera	Relates to integrating home care into the state's public health and prevention efforts	Passed Senate Only
S1818	Rivera	Relates to timely filing of Medicaid claims	Reported from Committee
S1821	Rivera	Relates to including applied behavioral analysis for treatment of autism spectrum disorder under standard coverage for Medicaid recipients	Passed Senate Only
S1856	Hoylman	Requires every general hospital to have a community advisory board	Reported from Committee

S2593	Biaggi	Relates to the continuity of family planning services in the state	Passed Senate Only
S2599	Parker	Authorizes and directs the department of health to conduct a study on drugs prescribed for school age children with ADD and ADHD	Reported from Committee
S2655B	Stavisky	Relates to prohibiting smoking in public parks	Passed Senate Only
S2847	Breslin	Relates to utilization review program standards and pre-authorization for certain health care services	Reported from Committee
S2873	Carlucci	Bans smoking in adult care facilities	Reported from Committee
S2909	Griffo	Authorizes real property taxing jurisdictions to grant a partial tax exemption for property purchased by a clinician in a clinician shortage area	Reported from Committee
S2984	Little	Relates to allowing health care professionals to perform services at the Ironman Lake Placid and the Ironman 70.3	Chapter 123 of 2019
S2996	Gaughran	Establishes the "Dominic Murray sudden cardiac arrest prevention act"	Reported from Committee
S3339A	Thomas	Enacts "Vincent Scheppa's law" authorizing, in certain cases, the provision of private duty nursing services to a medical assistance recipient by a relative who is a registered professional nurse	Passed Senate Only
S3458A	Rivera	Relates to medical assistance coverage for medically tailored meals	Reported from Committee
S3460	Rivera	Relates to violations of safety conditions in adult care facilities	Reported from Committee
S3463	Rivera	Relates to health care professional applications and terminations	Reported from Committee
S3698A	Gianaris	Relates to potable water testing at schools and state and local parks	Passed Senate Only
S3834	Metzger	Authorizes summer camps to hire certain licensed professionals to provide services	Passed Senate Only
S3899A	Krueger	Provides treatment for sexually transmitted diseases to minors without a parent's or guardian's consent	Reported from Committee
S4128	Biaggi	Relates to the New York healthy vending act	Reported from Committee

S4205	Parker	Relates to medicaid eligibility for youth leaving court ordered placement	Reported from Committee
S4277A	Harckham	Requires health practitioners to discuss with patients the risks associated with certain pain medications before prescribing such medications	Passed Senate Only
S4335	Salazar	Relates to certain application and referral forms for health care plans	Reported from Committee
S4471A	Antonacci	Relates to allowing donate life registration when applying for or renewing a hunting, fishing or trapping license	Reported from Committee
S4475	Montgomery	Relates to the definition of person in parental relationship to a child	Passed Senate Only
S4591	Parker	Establishes a pilot program related to making the gluten content of food available at certain state owned, operated, or leased cafeterias	Passed Senate Only
S4672	Ortt	Relates to the priority of persons with responsibility to determine the disposition of human remains	Reported from Committee
S4805	Ranzenhofer	Relates to services for individuals with traumatic brain injuries sustained after age twenty-one in rural areas	Reported from Committee
S4811	Rivera	Establishes an office of the state medical fund ombudsman and a medical indemnity fund advisory panel	Reported from Committee
S4867	Seward	Expands the Doctors Across New York program to include dentists	Reported from Committee
S4928	Rivera	Relates to providing for a program of asthma disease management and control within the department of health	Reported from Committee
S4930A	Rivera	Relates to requiring chain restaurants to place a salt-shaker-like symbol on menus next to food items that contain more than two thousand three hundred milligrams of sodium	Passed Senate Only
S4942	Sanders	Relates to collaborative models for addressing health care disparities	Reported from Committee
S4972	Rivera	Relates to payments for home and community based long term care services	Passed Senate Only
S5000	Parker	Establishes the nurse loan repayment program	Reported from Committee

S5092	Rivera	Includes certain pharmacists as qualified health care professionals and authorizing such pharmacists to complete a waived test	Reported from Committee
S5131	Harckham	Establishing a pilot program for the dispensing of hearing aids in the county of Westchester	Passed Senate Only
S5136B	Carlucci	Relates to the New York state vaccination awareness campaign	Passed Senate Only
S5144A	Kavanagh	Relates to the closure of hospitals or emergency or maternity departments	Reported from Committee
S5150B	Harckham	Relates to prescribing an opioid antagonist with a patient's first opioid prescription each year	Reported from Committee
S5186A	Metzger	Relates to persons designated by a general hospital to identify infectious disease processes	Reported from Committee
S5221	Skoufis	Relates to adding W-18 to the schedule of controlled substances	Passed Senate Only
S5280	Rivera	Relates to improper practices relating to staff membership or professional privileges of a physician and such physician's board certification	Reported from Committee
S5480	Rivera	Directs the commissioner of health to establish at least 4 infant recovery centers in areas of need for infants suffering from drug withdrawal as a result of in utero exposure	Passed Senate Only
S5531	Martinez	Prohibits the sale of kratom to individuals under the age of twenty-one	Passed Senate Only
S5653A	Metzger	Relates to analysis of data in the prescription monitoring program registry	Passed Senate Only
S5654	Metzger	Authorizes emergency medical care personnel to provide basic first aid to dogs and cats	Passed Senate Only
S5726	Benjamin	Requires food allergy awareness in food service establishments and online food ordering services	Passed Senate Only
S5875	Gallivan	Authorizes healthcare facilities and professions to pay for the fair market value of practice management, billing or health information technology services	Reported from Committee
S5897	Rivera	Relates to the provision of end stage renal disease services	Reported from Committee
S6073	Brooks	Relates to the online sale of vaping products	Reported from Committee
S6076	Brooks	Relates to establishing maximum nicotine levels for electronic cigarettes and e-liquids	Reported from Committee

S6226 Felder

Creates a Crohn's and colitis identification card

Passed Senate Only



2019 ANNUAL REPORT

NEW YORK STATE SENATE
STANDING COMMITTEE
ON HEALTH