



## ***Coalition Of Provider Associations***

### **COPA Members:**

*Alliance of Long Island Agencies, Inc. (ALIA)*

*Cerebral Palsy Associations of New York State (CP of NYS)*

*Developmental Disabilities Alliance of WNY (DDAWNY)*

*InterAgency Council of Developmental Disabilities Agencies, Inc. (IAC)*

*New York Association of Emerging & Multicultural Providers, Inc. (NYAEMP)*

## **COPA 2018 SESSION WRAP-UP**

The 2018 New York State Legislative Session ended in the early hours of June 21<sup>st</sup>. With no clear majority in the Senate, resulting from Republican Senator Tom Croci's return to active military duty, leaving the Senate with 31 Republicans (including Simcha Felder, a Democrat who caucuses with the Republicans) and 31 Democrats, fewer bills passed both Houses. The resulting dysfunction came with a silver lining, however, as the bills we opposed were also unable to advance. A number of unfinished items, including: extending the authority for New York City to continue to use speed cameras; authorizing sports betting in New York; reforming teacher evaluations; local tax issues; and others, may require the Legislature to come back to Albany before the end of 2018. There were some COPA priority bills which also did not pass both Houses which we will continue to work on over the summer, to be implemented administratively or if the Legislature is called back and into the next Legislative session.

COPA will keep you informed on all issues of importance. We urge you to reach out to us if there is any additional information you need or to make us aware of any issues that you don't see covered. As always, we appreciate your participation and interest in our advocacy efforts and urge you to join our regular Legislative Briefing Calls outlined below.

### **COPA Legislative Briefing Calls**

The COPA Legislative Briefing Calls are weekly during session and monthly for non-session months (July through December). Please join us on 7/23/18 at 11:00 a.m. for an update on state and federal issues of interest to people with disabilities, families and staff.

**Join from PC, Mac, Linux, iOS or Android: <https://CPofNYS.zoom.us/j/982788122>**

**or by Telephone:**

**+1-669-900-6833 or +1-408-638-0968**

**Meeting ID: 982 788 122**

**Here are the COPA Legislative Briefing Call dates for the rest of the year:**

- August 27<sup>th</sup> @ 11:00 a.m.
- September 17<sup>th</sup> @ 11:00 a.m.
- October 29<sup>th</sup> @ 11:00 a.m.
- November 26<sup>th</sup> @ 11:00 a.m.
- December 17<sup>th</sup> @ 11:00 a.m.

**FOLLOWING IS A SUMMARY OF THE BILLS OF INTEREST TO COPA MEMBERS THAT PASSED BOTH HOUSES AND WILL BE SENT TO THE GOVERNOR FOR ACTION UNLESS THE GOVERNOR'S ACTION IS NOTED.**

**SUPPORT**

- **OPWDD Gender Neutral Transportation** – S.8592 (Ortt)/A.10708 (Gunther) amends the Mental Hygiene Law so that same gender transporters may be requested within staffing limitations. Current law requires females to be transported only by females, unless accompanied by a father, brother, husband or son, which limits community activities for women receiving services when a female transporter is unavailable.
- **Optional ID Cards for People with I/DD** – S. 2565-C (Helming)/A.249-C (Santabarbara) provides for an ID card, for a fee, upon the request of a person receiving services or their guardian or caregiver, which can be used to educate first responders. In addition to name, address, DOB and emergency contact info, the card will say “I HAVE A DEVELOPMENTAL DISABILITY. I MAY HAVE DIFFICULTY UNDERSTANDING AND FOLLOWING YOUR DIRECTIONS OR MAY BECOME UNABLE TO RESPOND. I MAY BECOME PHYSICALLY AGITATED IF YOU PROMPT ME VERBALLY OR TOUCH ME OR MOVE TOO CLOSE TO ME. A DEVELOPMENTAL DISABILITY IS NOT AN EXCUSE FOR ILLEGAL BEHAVIOR. I AM NOT INTENTIONALLY REFUSING TO COOPERATE. I MAY NEED YOUR ASSISTANCE. PLEASE SEE THE BACK OF THIS CARD.”
- **Elimination of the Unintentional Tax on Commuter Benefits for Non-Profit Employers** – S.8831 (Ranzenhofer)/A.11051 (Paulin) de-couples NYS with the new 1/1/18 Federal Tax Act which eliminates the automatic 9% NYS tax on non-profit commuter benefits, resulting from the federal Unrelated Business Tax on commuter benefits for non-profit employers.
- **First or second floor preference for NYC Tenants with Disabilities** – S.7286 (Hamilton)/A.8994 (Titus) was signed into law on 4/18/18 and grants tenants with physical disabilities of the NYC Housing Authority preference to move to a first or second floor unit either within their current project or to transfer elsewhere. Medical documentation is needed. This bill was signed by the Governor on April 18, 2018 as Chapter 13 of the Laws of 2018.
- **Small Business Tax Credit for Hiring Individuals with Disabilities** – S.4093-C (Addabbo)/A.1369-A (Cusick) establishes a tax credit of \$5000.00 per person, for the full time employment (at least 35 hours and for 12 months or more) of disabled persons by businesses of 100 employees or less. This would apply to taxable years on or after 1/1/19.
- **Physical Therapy Assistants Home Care Services** – S.8217 (LaValle)/A.10381-A (Pichardo) extends the authority for physical therapy assistants to provide services in home care settings for four years. This bill was signed by the Governor on July 1, 2018 as Chapter 107 of the Laws of 2018.
- **School Psychologists 4410 & EI Multidisciplinary Evaluations** – S.7641 (LaValle)/A.9918 (Glick) extends authority of school psychologists to conduct multidisciplinary evaluations of children in 4410 preschool programs and the Early Intervention I program from June 30, 2018 to June 30, 2020. This bill was signed by the Governor on June 1, 2018 as Chapter 68 of the Laws of 2018.
- **State Conformance with IDEA Three Year Extension** – S.8331 (Marcellino)/A.10472 (Lifton) extends for 3 years provisions of the State Education law to conform with the federal Individuals with Disabilities Education Act of 2004, in order to ensure continued compliance with federal law. Signed as Chapter 90 of the Laws of 2018.

## NO POSITION

- **Study on the Costs of Early Diagnosis and Treatment of Autism** – S.3895 (Parker)/A.261 (Abinanti) directs the Commissioners of the Office for People With Developmental Disabilities, Education, Health, the Office of Children and Family Services and the Office of Mental Health to study and report, due on 4/1/2021, the costs to the state for the early diagnosis of Autism Spectrum Disorder (ASD) and the long-term treatment for individuals with ASD.
- **Baccalaureate Degree Requirement for the Practice of Professional Nursing** – S.7320 (Flanagan)/A.8952 (Morelle) allows the temporary commission on nursing program evaluation to make recommendations on the impacts of requiring a baccalaureate degree and adds a new two-year exemption from requiring a baccalaureate degree in areas of the State where there is limited access to the required educational programming. Finally, the bill changes the effective date of this requirement from eighteen to thirty months after the bill is signed into law.
- **Mandatory Continuing Education for Psychologists** – S.7398A (Valesky)/A.9072-A (Fahy) requires psychologists to complete 36 hours of continuing education every three years, three hours of which must be in the area of professional ethics. There is an exemption for psychologists for their first three years of practice and the State Education Department may grant other waivers for certain circumstances.
- **Authorizes Family Leave for Bereavement** – S.8380-A (Funke)/A.10639-A (Morelle) includes time off for bereavement as a part of Paid Family Leave (PFL). It allows the use of PFL for bereavement (1) if a family member, as defined by current law, passes away suddenly or (2) if PFL is used to take care of a family member and that family member passes away, in which case any remaining PFL may be used as bereavement time.
- **Medical Marijuana for Pain Management and Substance Use Disorders** – S.8987-A (Amedore)/A.11011- B (Gottfried) adds “substance use disorder” and “pain that degrades health and functional capability” to the list of conditions eligible for medical marijuana as an alternative to the use of opioids.
- **Provide Substance Abuse Education materials to Students** – S.8318 (Comrie)/A.7470 (Davila) requires the Office of Alcoholism and Substance Abuse Services (OASAS), in consultation with the State Education Department, to develop or use existing educational materials regarding the misuse and abuse of alcohol, tobacco, prescription medication and other drugs that are prevalent among school aged youth. In addition, the bill requires each school district superintendent to designate an employee of the district to provide information to students, parents and staff regarding substance abuse services. Any information provided would be confidential except for instances where there is required reporting.
- **Establishes the Mental Health and Substance Use Parity Report Act** – S.1156-C (Ortt)/A.3694-C (Gunther) requires the Superintendent of the Department of Financial Services (DFS), beginning September 1, 2019 and annually thereafter, to include in the annual consumer guide, a mental health and substance use disorder parity report. The report shall detail each insurance company’s compliance with federal and state parity laws based on the company’s record during the preceding calendar year.
- **Notice of Potential Service Reductions at State Operated Psychiatric Hospitals** – S.7207 (Ortt)/A.9563-A (Gunther) requires that at least 12 months, and at most 24 months, notice be given to local governments of the potential for significant service reductions at state operated hospitals and state operated research institutes under mental hygiene law.

- **Prohibits OPWDD from Changing a State Operated Individualized Residential Alternatives (IRA) Auspice** – S.8200 (Marcellino)/A.10442 (Gunther) would prohibit OPWDD from changing the auspice of a state-operated IRA. It is intended to prevent OPWDD from changing an IRA operator from State operated to a non-profit agency.
- **Autism Spectrum Advisory Board Outreach to Minority Populations** – S.5534-A (Hamilton)/A.7976 (De La Rosa) would require the Autism Spectrum Advisory Board to identify strategies and methods of improving outreach and coordination of services associated with autism spectrum disorders for minority group members including, but not limited to, African American, Latino and Asian children.
- **Child Abuse Reporting in Educational Settings** – S.7372-B (Gallivan)/A.8485-B (Nolan) amends existing law related to reporting of child abuse in educational settings to include private schools, which were previously exempt, and to extend reporting requirements to licensed and registered speech-language pathologists, licensed and registered physical therapists, teacher’s aides, school resource officers, school bus drivers, and the school bus driver’s supervisors. In addition, on and after July 1, 2019, those who are required to report are also required to complete two hours of training regarding child abuse. Unfortunately, there is concern on how this legislation will impact 4410 and 853 schools which are already mandated reporters under another section of law.
- **Notice of Medical Assistance Eligibility Determination** – S.7328 (Ortt) /A.9004 (Gottfried) requires DOH to provide written notice of special needs trusts to Medicaid applicants who may have too high income to qualify for Medicaid.
- **Mental Hygiene Geriatric Service Demonstration Program to Promote Mental Health and Home Care Collaboration** – S.8632 (Ortt)/A.10938 (Gunther) provides grants to integrate health and mental health care, reinforcing the goals of the state's mental health policies of prioritizing care in the community, and supporting the total range of patient needs required to maintain quality community life, avert exacerbations, emergencies, hospitalizations and potential long term institutionalization.
- **85% OPWDD Property Sale Proceeds to Remain in State Operated Services** – S.8633 (Ortt)/A.10951 (Lentol) requires that 85% of proceeds from the sale of any property that was previously used, operated or maintained by the Office for People With Developmental Disabilities shall be used exclusively for state-operated residential services or state-operated community-based services provided by such office.
- **Codifies State Operated OPWDD Care Demonstration Program** – A.8990 (Gunther)/S.7291 (Ortt) codifies and extends the state operated Care Demonstration Program through 3/1/2020.

**THE FOLLOWING BILLS DID NOT PASS BOTH HOUSES.**

**SUPPORT**

- **#bFair2DirectCare** – S.8184-A (Ortt)/A.10712 (Gunther) codifies the future four year commitment to the #bFair2DirectCare living wage funding. (Senate Rules Committee/Assembly Ways & Means Committee.)
- **Interim Plus Rates** – S.8294-A (Marcellino)/A.10439-A (Nolan) would provide 4410, 853 and Special Act schools their interim rate plus growth while they wait for SED to calculate and update their rates. (Senate and Assembly Education Committees.)
- **90 Day Medicaid Billing Delay Code** – S.8905 (Hannon)/A.10814 (Gottfried) adds a delay code under “other” for implementation or upgrade of EMR systems since this may cause errors that aren’t detected in a timely way, so providers have time to correct these

errors and bill past the 90 day limit for Medicaid services rendered. (Passed the Senate/Assembly Ways & Means Committee.)

- **Credentialing Pilot** – A.10785-A (Gunther)/No Senate Bill establishes a DSP credentialing. (No Senate bill/Assembly Codes Committee.)
- **Complex Rehab Bill** – A.10604 (McDonald)/No Senate Bill requires Medicaid to cover customized equipment. (No Senate Bill/Passed the Assembly. A similar bill was vetoed last year –Veto 165 of 2017.)
- **NYSID Bill** – S.5096-C (Young)/similar to A.6832-B (Gunther) modernizes NYSID preferred source contracting facilitating the process of providing additional preferred source contracts and jobs for people with disabilities. (Passed the Senate/Assembly Ways & Means Committee.)
- **Not-for-Profit Professional Services Corporations** – S.8612 (Hannon)/A.10997 (Gottfried) allows general hospital medical practices or Article 16s to organize practice corporations under the State's Not-for-Profit Corporation Law Section 1412. Current law requires that a corporation be maintained by practitioners of the profession (i.e., a PT can only be employed by a PT). We will work with the hospitals to ensure that this legislation will resolve the IPSIDD corporate practice issue and pass next Session. (Passed the Senate and in Assembly Higher Education Committee.)

### **PASSED ASSEMBLY**

### **NO POSITION**

- **Individuals Receiving Services Right to Counsel During an Investigation** – A.3135 (Gunther)/S.8768 (Ortt) relates to the right to counsel for persons who receive services through the Office of Mental Health or the Office for People With Developmental Disabilities for certain investigations. (Senate MH/DD Committee.)
- **OMRDD to OPWDD** – A.7490-A (Gunther)/S.5991-A (Bonacic) corrects various laws to ensure that the Office for People With Developmental Disabilities is no longer referred to as the Office of Mental Retardation and Developmental Disabilities. (Senate Rules.)
- **Reportable Incidents** – A.7700-B (Barrett)/S.6773-A (Carlucci) requires that multiple mandated reporters who have direct knowledge of the same reportable incident, shall be required to report such incident unless they know the report has already been made by another mandated reporter. (Senate MH/DD Committee.)
- **Tuition Reimbursement for Special Act Schools** – A.5618-A(Abinanti)/S.4530-A (Murphy) allows for a new methodology to calculate tuition and maintenance rates for Special Act Schools separately from 4410 & 853 Schools. Currently, there is one methodology for all of these schools. (Senate Rules Committee.)

### **OPPOSED**

- **OPWDD Required Training** – A.271 (Gunther)/S.1433 (Ritchie) puts the required training, currently in regulation, in statute and broadens the requirement to all staff and volunteers at OPWDD funded or regulated agencies regardless of job duties. (Senate MH/DD Committee.)
- **Public Notice to Call 911** – A.2846 (Abinanti)/S.1400 (Avella) requires notice be posted in a public place, for all programs subject to regulation by OPWDD, informing

employees to call 911 during an emergency and directing them to make required reports relating to abuse or neglect to the Justice Center or to law enforcement. Staff are already required to make these calls and reports and posting of a notice can be stigmatizing to people receiving services. (Senate MH/DD Committee.)

- **Requires Prevailing Wage For Public Works Construction Projects – S.2975 (Murphy)/A.5498 (Bronson)** requires prevailing wage for all public works projects undertaken by entities receiving public funding. (Senate Finance Committee.)

## PASSED SENATE

### NO POSITION

- **Legislative Approval for OPWDD, OMH & OCFS Closures – S.1113 (Akshar)/A.733 (Gunther)** requires legislative approval for the closure of certain Office of Mental Health, Office for People With Developmental Disabilities or Office of Children and Family Services facilities and institutions. (Assembly MH/DD Committee.)
- **Justice Center Advisory Council Duties – S.1481 (Ortt)/A.9583 (Santabarbara)** relates to the powers and duties of the advisory council of the Justice Center for the Protection of People with Special Needs; adds additional duties relating to oversight of investigations of allegations of abuse and neglect. (Assembly MH/DD Committee.)
- **Release of Justice Center Reports to the NYS Comptroller – S.6583-A (Ortt)/A.9545 (Santabarbara)** authorizes certain reports, relating to reportable incidents involving vulnerable persons, to be released to officers and employees of the state comptroller for the purposes of a duly authorized performance audit. (Assembly MH/DD Committee.)
- **Establishing Emergency Evacuation Plans for Individuals with Disabilities – S.768 (Stewart-Cousins)/A.10201-A (Skoufis)** would update the state fire code to require evacuation drills, fire safety and emergency plans, employee training, hazard communication and more, to address the needs of individuals with disabilities. Plans would include a list of individuals with disabilities who have notified the owner or managing agent that they have a disability and will require assistance with floor and room number. High rise building owners shall be liable for a fine of up to \$500 for non-compliance. (Passed the Senate/Assembly Floor Calendar.)
- **School Psychologist Licensure Bill – S.692-C (Ortt)/A.1132-C (Rosenthal)** provides for the licensure of School Psychologists with additional requirements, including completing a minimum of 2,400 hours of post-master's supervised experience, relevant to the practice of school psychology. (Assembly Higher Education Committee.)

## **OTHER SIGNIFICANT BILLS THAT DID NOT PASS EITHER HOUSE:**

### OPPOSED

- **Transfer the NYS Medical Indemnity Fund from DOH & DFS to OPWDD – S.8435 (Hannon)/A.10222 (Gottfried)** transfers the administration of the New York State Medical Indemnity Fund, which provides resources to families of children who have suffered from birth injuries, from the Department of Health and the Department of Financial Services to the Office for People With Developmental Disabilities. COPA strongly opposed this proposal for logistical and financial reasons and was pleased that it did not move in either House. (No Action in Senate/No Action in Assembly.)
- **Surveillance Cameras in All OPWDD Residential Common Areas – A.2221-A (Abinanti)**/No Senate bill requires providers of services for people with developmental

disabilities to install surveillance cameras with sound capability in all public common areas in residential facilities. Such surveillance is an infringement on peoples' right to privacy and there are more effective measures that would reduce the incidence of abuse and neglect in residences. (Held for consideration in Assembly MH/DD Committee.)

- **OPWDD Family Bill of Rights** – S.1157 (Ortt)/A.5482 (Abinanti) requires the posting of a bill of rights for family and guardians of people with developmental disabilities that reside in residences certified or approved by the Office for People With Developmental Disabilities. This “Family Bill of Rights” would give blanket access to health and treatment information to non-guardians unless the person receiving services specifically names the person(s) with whom they don't wanted the information shared. (Senate MH/DD Committee/ Assembly Codes Committee.)
- **911 Bill** – S.4736-D (Lanza)/A.6830-C (Weprin) requires that all suspected abuse and neglect be called in to both 911 and the county district attorney's office, in addition to the Justice Center hotline regardless of whether a first responder is needed and increases the penalty for failure to report to all three entities to a Class E Felony (currently a Class A misdemeanor). (Senate Finance Committee/Assembly MH/DD Committee.)
- **Another 911 Bill** – S.8440 (Lanza)/No Assembly bill requires that all incidents called into the Justice Center's central register must also be called in to 9-1-1. (Senate MH/DD Committee.)
- **Radon Testing and Remediation** – S.5753-B (Lanza)/A.5515-B (Weprin) requires annual radon testing of OPWDD community residences, supervised living facilities and other facilities. (Senate Finance Committee/ Assembly MH/DD Committee.)

#### NO POSITION

- **Retroactive Medicaid Reimbursement** – S.1916 (Ritchie)/A.7868 (Gunther) relates to the reimbursement of local services provided to persons with a disability; provides for retroactive reimbursement if local services were furnished prior to approval. (Assembly Ways and Means Committee/ Senate Finance Committee.)
- **Justice Center Departmental SEL List Bill** – S.5300-B (Ortt)/A.11032 Rules (Espinal) adds nursing homes, home care and long term home health programs, all children's camps and all adult care facilities to the list of entities required to check the Justice Center's SEL or Staff Exclusion List of perpetrators of substantiated category one cases of abuse or neglect and prohibits them from hiring people on the list. (Senate MH/DD Committee/Assembly Codes Committee.)
- **HOPE Trust Fund** – S.872-B (Ortt)/No Assembly bill establishes the Housing Opportunities for People to Empower Excellence and Equity (HOPE) Trust Fund to provide access to rental housing; to facilitate the construction, renovation and rehabilitation of facilities to provide additional residential opportunities; to develop new and innovative approaches to residential living and to promote creation of sustainable living environments for people with developmental disabilities. (Senate Finance Committee.)
- **Individual Rights During an Investigation** – S.1076 (Carlucci)/A.6410 (Stirpe) ensures the right to counsel of an individual with a disability or a vulnerable adult during investigations conducted by the Justice Center. (Senate Finance Committee/ Assembly MH/DD Committee.) Similar to S.8768 (Ortt)/A.3135 (Gunther) above which passed the Assembly.
- **OPWDD Commissioner to Deny Employment based on Criminal History** – S.6289 (Lanza)/No Assembly bill directs the OPWDD Commissioner to deny employment or volunteer applications based on a criminal history report for such applicant. (Senate Finance Committee.)

- **Down Syndrome Information to Pregnant Women** – S.7345 (Ortt)/No Assembly bill requires healthcare practitioners to provide a written or an alternative format of up to date and evidence based information on Down syndrome to pregnant women and parents of infants who test positive for Down syndrome. (Senate Rules Committee.)
- **Mental Hygiene Law Court Records** – S.7720-B (Ortt)/A.10122-A (Thiele) provides that court records in a proceeding under articles 77, 78 and 81 of the Mental Hygiene Law shall not be perused, examined, disclosed, taken or copied by any other person than a party, the attorney or counsel of a party, the guardian, the court evaluator or the court examiner except by order of the court. (Senate Rules Committee/Assembly Judiciary Committee.)

### **4410 & 853 STAFFING CRISIS:**

In addition to working on the myriad of bills throughout the past few months of session, the COPA team worked on a number of issues that were neither directly statutory nor budget related. The COPA team continues to work with the Legislature, the State Education Department (SED), the Division of Budget (DOB), the Governor’s Office and the Legislature to highlight the 4410 and 853 staffing crisis. **The Division of Budget has approved the 2018-2019 methodology for 4410, 853 and Special Act Schools. The methodology memo should be out shortly and we have been told that the highlights include:**

- 3.4% growth for school-age programs
- 2% growth for preschool center-based programs
- “Higher-of” tuition rate calculation flexibility for all center-based programs – school-age & preschool
- \$8 million in Excessive Teacher Turnover Prevention funding (up from \$4 million)
- Special Class in an Integrated Setting Offset of only the revenue received or earned for students without disabilities
- Minimum Wage Funding

### **COPA 2018-2019 NYS BUDGET RE-CAP**

**As previously reported in April, the New York State 2018-2019 enacted budget includes the following highlights of interest to COPA members.**

#### **OPWDD**

- **#bFair2DirectCare** – The final budget contains **\$191 million** to support the 2<sup>nd</sup> year of our multi-year #bFair2DirectCare funding request for a living wage for low wage workers in an amount equal to 3.25% 1-1-18 for all your 100 & 200 codes and an amount equal to 3.25% on 4-1-18 for 100, 200 & 300 codes.
- **Minimum Wage** – There is **\$80 million** (an increase of \$55 million) to support the **minimum wage** and related fringe benefit cost increases associated with movement to a \$15 an hour living wage.
- **Development** – As the Governor originally proposed, the budget will provide **\$120 million** (State and federal funding when fully annualized) in additional funding available for “Program Priorities,” including new service opportunities with \$20 million (fully annualized) reserved for "individuals living at home and whose caregivers are increasingly unable to provide care for them."

- **Housing** – As originally proposed, there is **\$15 million** in capital funds to develop affordable housing opportunities.
- **CCOs/Health Homes** – The agreement preserves **\$39 million** to support the transition from OPWDD’s Medicaid Service Coordination program to a comprehensive care coordination model operated through several Care Coordination Organization/Health Homes (CCO/HHs), the first step in the transition to managed care.
- **Managed Care** – Includes new language requiring OPWDD to assess the quality and outcomes of managed care for individuals with I/DD including their experience and satisfaction, and report to the legislature by December 31, 2022. Modifies the Governor’s waiver submission proposal to state that nothing shall prevent DOH, in consultation with OPWDD, from submitting waiver applications expanding eligibility to Medicaid eligible children under 18 years of age.
- **Telehealth/Telemedicine** – The agreement requires OPWDD, DOH, OMH, OASAS to coordinate a single guidance document for telehealth and includes certified and non-certified day and residential programs funded or operated by OPWDD as originating sites.
- **Psych/Social Work Licensure** – Changes were made to ensure that our non-licensed staff will be able to continue to do their work without significant changes.
- **First Responder Training** – New language establishes a First Responder Training Program to provide instruction and information to police, firefighters and emergency medical services personnel on appropriate recognition and response techniques for handling emergency situations involving individuals with Autism Spectrum Disorder and other developmental disabilities. Requires OMH in coordination with OPWDD to provide the training to all emergency medical personnel including but not limited to first responders, EMTs, AEMTs and emergency vehicle operators.
- **IPSIDD Billing** – The final budget includes provisions for IPSIDD providers to bill up to the full Medicaid/IPSIDD rate for dually eligible (Medicare/Medicaid) patients where the Medicaid rate is higher.
- **Specialized Inpatient Psychiatric Unit Demonstration Program** – Includes the Governor’s proposal for certain time limited demonstration programs for evaluating new methods of services for individuals with I/DD and behavioral health diagnoses through March 31, 2021.
- **IRA Transfer or Closure Notice** – The Legislature extended for three years to 3/31/21 and amended the requirement that the Senate, Assembly and “impacted labor organizations” have 90 days (was 45 days) notice prior to a state operated IRA is closed or transferred to a not-for-profit.

## **SED**

- **Special Education Waivers** – The final budget rejected the Governor’s proposal that SED grant waivers for any New York State requirement imposed on a local school district, approved private school, or BOCES upon a finding that the waiver will result in the implementation of an innovative special education program that is consistent with applicable federal requirements and will enhance student achievement and/or opportunities for placement in regular classes and programs.

## DOH

- **Early Intervention** – The Governor’s proposals regarding EI were ultimately rejected in the final budget agreement and there were no cuts or increases for EI.
- **Clinic billing for TBI** – The final budget includes our proposal for clinics to bill up to the full Medicaid rate for TBI patients who are covered by Medicare and Medicaid.
- **TBI & Managed Care** – The final budget delays the TBI/NHTD waiver transition to Managed Long Term Care until 2022.
- **Health Facility Transformation Fund** – The final budget allocates \$525 million and includes Article 28 and Article 16 clinics in the definition of community based facilities to “transition into fiscally sustainable systems” and to support capital projects, debt retirement, working capital and other non-capital needs. DOH is particularly supportive of OPWDD provider telemedicine applications for this funding.
- **Prescriber Prevails** – The Legislature restored prescriber prevails for all medications including seizure and mental health medications.
- **Spousal/Parental Refusal** – The Governor’s proposal to eliminate spousal/parental refusal for Medicaid eligibility was rejected.
- **Medicaid Visit Caps on PT, OT & Speech** – The final budget accepts the Governor’s proposal to increase the annual Medicaid physical therapy cap from 20 – 40 visits and maintains the occupational therapy and speech therapy caps at 20 each, rejecting the Governor’s proposal to decrease to 20 for both OT & PT.
- **Article 28 Mental Health/Primary Care Integration** – Clarifies that Article 28 clinics and Article 31 and 32 clinics may provide integrated primary care, mental health and/or substance abuse disorder services when authorized to do so by OMH or OASAS, per regulation, without needing a second or third license/certification.

## OMH

- **#bFair2DirectCare** – Continues the State’s #bFair2DirectCare workforce funding for OMH with an additional 3.25% for 100, 200 & 300 codes effective 4-1-18.
- **Community Reinvestment – \$11 million increase in Community Reinvestment funding.**
- **Mental Health Facilities Capital Improvement fund** – the final budget includes the Governor’s \$50 million to fund property acquisition, construction and rehabilitation of new facilities for residential crisis programs.
- **Mental Health/Primary Care Integration** – Clarifies that Article 28 clinics and Article 31 and 32 clinics may provide integrated primary care, mental health and/or substance abuse disorder services when authorized to do so by OMH or OASAS per regulation without needing a second or third license/certification.
- **Specialized Inpatient Psychiatric Unit Demonstration Program** - Includes the Governor’s proposal for certain time limited demonstration programs for evaluating new methods of services for individuals with I/DD through March 31, 2021.
- **Children’s Behavioral Health Funding** – Modifies the Senate and Assembly proposal to include a new \$10 million for children’s behavioral health capital funding and \$30 million over two years to move forward with the children’s behavioral health transition to managed care.
- **Behavioral Health Insurance Ombudsman** – Includes the Legislature’s proposal and \$1.5 million to create a Behavioral Health Insurance Ombudsman to ensure that individuals receive appropriate health insurance.

**OTHER**

- **State And Municipal Facilities Program – \$475 million which will be distributed by Senators, Assemblymembers and the Governor** to municipalities, “special act school districts, schools for the blind and deaf and other students with disabilities subject to Article 85 of the Education Law, and private schools for students with disabilities authorized pursuant to Chapter 853 of the Laws of 1976; and any other not-for-profit corporation or other not-for-profit entity” for capital expenditures. Our 853 schools were added last year and nonprofits were added this year. Contact your Senator and Assemblymember ASAP to apply for this funding.

\* \* \* \* \*

For further information on these or any other bills, please contact any of the following:

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