



Legislation Details (With Text)

**File #:** Res 1315-2012      **Version:** \*      **Name:** Ease the burden on licensed home care service agencies, certified home health agencies and consumer directed personal assisted programs. (A.9664/S.6493)

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**Title:** Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9664/S.6493, legislation to ease the burden on licensed home care service agencies, certified home health agencies and consumer directed personal assisted programs.

**Sponsors:** Annabel Palma, Gale A. Brewer, Leroy G. Comrie, Jr., Daniel Dromm, Mathieu Eugene, Julissa Ferreras-Copeland, Letitia James, Peter A. Koo, G. Oliver Koppell, Brad S. Lander, Deborah L. Rose, Albert Vann, Ydanis A. Rodriguez

**Indexes:**

**Attachments:**

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Res. No. 1315

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.9664/S.6493, legislation to ease the burden on licensed home care service agencies, certified home health agencies and consumer directed personal assisted programs.

By Council Members Palma, Brewer, Comrie, Dromm, Eugene, Ferreras, James, Koo, Koppell, Lander, Rose, Vann and Rodriguez

Whereas, In New York State, personal care providers (PCPs), certified home health agencies (CHHAs) and consumer directed personal assistance programs (CDPAPs), provide direct care to elderly and frail New Yorkers; and

Whereas, Over the past several years, these organizations were affected by a multitude of policy changes on both the City and State level; and

Whereas, Notably, there were recent multi-year delays in Medicaid rate change approvals and

overpayments; and

Whereas, As a result of these changes and overpayments, PCPs, CHHAs and CDPAPs were eventually subjected to significant recoupment of funds, punitive penalties and interest fees; and

Whereas, Because of this, these organizations are potentially exposed to cash flow problems which can endanger the sustainability of the organizations and their work force; and

Whereas, As a result, rapid recoupment of funds can also directly threaten the integrity of the home care workforce and detrimentally impact patients, who rely on these services; and

Whereas, Senator Kemp Hannon (R-Nassau) and Assembly Member Anthony Brindisi (D-Utica) introduced S.6493/A.9664; and

Whereas, This legislation provides that on and after April 1, 2009, any recoupments or reductions in medical assistance payments for licensed home care service agencies, certified home health agencies and consumer directed personal assistance programs shall not be subject to interest; and

Whereas, Further, pursuant to the proposed legislation, on and after January 1, 2009, any recoupments or reductions in medical assistance payments would be made payable in 24 equal monthly payments; and

Whereas, The purpose of this legislation is to ease the burden on home care agencies and CDPAPs, imposed as a result of the Department of Health's new Medicaid recoupment rate policy; and

Whereas, While acknowledging the need to ensure that payment accuracy is achieved, the sponsors of the legislation note that the negative impact of the existing recoupment policy must be mitigated to ensure the survival of the home care system; and

Whereas, Supporters such as the United Neighborhood Houses indicate that the legislation would have no adverse fiscal impact on the State, and further, that it will relieve a significant and untimely financial burden on home care providers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.9664/S.6493, legislation to ease the burden on licensed home care service agencies,

certified home health agencies and consumer directed personal assisted programs.

JM  
LS# 3364  
4/13/12