



From: Al Cardillo, President, Home Care Association of New York State (HCA)
To: NYS Joint Budget Conference Committees and All Senate and Assembly Members
Date: March 20, 2023
Subject: Urgent Recommendations for Home Care for Conference Committee Process

HCA is the statewide health care association comprised of certified home health agencies (CHHAs), licensed home care services agencies (LHCSAs), Long Term Home Health Care Programs (LTHHCPs), hospices, managed long term care plans (MLTCs), Programs of All-Inclusive Care for the Elderly (PACE), Consumer Directed Personal Assistance Program Fiscal Intermediaries (FIs), home and community based waiver programs, and allied supports for care at home.

As the Legislative Budget Conference Committees convene today, **HCA appeals to the Committee Chairs and Members, and to all Senate and Assembly Members, to provide for the following priority budget needs urgent to the home and community-based sector and the functioning of the system at large.**

Vital State Aid and Access for CHHAs, LHCSAs, Hospice, MLTCs and CDPAP-FIs

- HCA urges the Assembly and Senate to join in adopting the Senate's vital state aid program for home care and hospice to help meet community need for complex, skilled home care across all regions. The Governor's budget increases rates and aid for the other health sectors, but provides no parallel support for home care, which drives the steep service and worker gaps into deeper holes. The Senate bill currently provides \$25 million combined for CHHAs and hospice, and \$50 million for LHCSAs, which presumably, with federal match, would allocate \$150 million statewide. **HCA urges the Senate and Assembly to support this program (all-funds) at \$64 million for CHHAs, \$16 million for hospice, and \$120 for LHCSAs, and to adopt HCA-provided Article VII language to properly delineate the program structures and fund allocations for CHHAs, LHCSAs and hospice.**
- HCA urges the Senate and Assembly to insert into the Article VII the "New York Home Care *First Act*" language S.2931 (Senator Rivera) and A.4583 (Assemblywoman Paulin) to further guide the needed funds and corresponding patient, worker and system supports consistent with the budget and this legislation.
- HCA urges the Senate to join the Assembly in wholly rejecting the Executive's proposed contract limits and procurement on managed long term care plans (MLTCs) that wipes out many MLTCs, Consumer Directed Personal Assistance Program (CDPAP) fiscal intermediaries (FIs) and licensed home care agencies (LHCSA) across the state.
- HCA urges the Senate and Assembly to adopt Article VII language provided by HCA to repeal the Health Department's "Request for Proposals" (RFO) deselecting LHCSAs from the system, and disrupting workers, patients and services. This RFO was ill-conceived pre-pandemic and is not yet implemented.

Worker Wages

- HCA supports the Senate and Assembly's restoration of wage parity protections and funding for CDPAP workers, which the Executive Budget currently eliminates.
- HCA urges the Senate and Assembly adopt language for a transparent, fully funded pathway for home care aide minimum wage payment (including the scheduled October 1 increase); HCA conceptually supports the

Senate proposed directed payment language, but urges both the Senate and the Assembly to consider instead the HCA proposed Article VII language to accomplish this purpose.

- HCA urges rejection of the Executive's proposed minimum wage freeze for home care aides, in the face of minimum wage increases proposed for others, and also supports further ("fair pay") wage increases for home care aides, provided that these increases are accompanied by full, transparent and direct funding to managed care plans, CHHAs, FIs, hospices and workers, and at funding levels that fully cover agency costs for aides' wages and services to all home care and hospice patients (Medicaid and all others alike).

Managed Care Quality

- HCA urges the Senate and Assembly to fully reject the Executive's elimination of the managed care and MLTC quality incentive pools. While HCA supports the Assembly's efforts to partially restore \$10 million for both the managed care and MLTC quality pools, this still leaves these pools deficient. HCA urges full rejection of the Executive's cut and the full restoration of the pool for the plans and service providers.

Safety-Net and Transformation Support Provisions

- HCA urges Senate support for the Assembly's proposed \$45.5 million for the Quality Incentive Vital Access Provider Pool, and urges equitable apportionment of these funds to the home care sector.
- HCA urges Senate support for the Assembly's proposed \$15 million private investment pool funding to alleviate the Expanded In-Home Services for the Elderly Program (EISEP) waitlists.
- HCA supports Senate and Assembly modification of the Executive's \$1 billion Statewide Health Care Facility Transformation Program-V by establishing minimum funding amounts for community-based organizations, including the Senate's proposed minimum \$200,000 set-aside for community-based organizations, including home care and hospice.

Regulatory Standards and Stability

- HCA supports Senate elimination of the Executive language to exempt certain in-home public health services from requiring Article 36 licensure, urges the Assembly likewise omit this proposal. HCA strongly believes this issue and any enabling language be explored outside of the budget process to properly determine the appropriateness and exact delineation of any exempt services.
- HCA supports Senate and Assembly rejection of the Executive's Certificate of Need changes for home care and hospice and urges omission of these Executive proposals in the final budget.

Linked here <https://hca-nys.org/wp-content/uploads/2023/03/soi.pdf> is HCA's "State of the Industry" report revealing compelling data and need for these budget actions.

Please continue to press forward to ensure that the above urgent proposals and recommendations are reflected in the Legislature's Conference agreement and in the final adopted budget reconciled with the Governor.