

# Issues impacting older residents in the Proposed NYS Executive Budget Part 2

February 2, 2024

Gail Myers, Deputy Director



Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

# QUESTIONS?



Put your questions in the Q & A, if we have time at the end of the presentation we will try our best to respond.

- Contact us at 1-800-333-4374
- Email: [publicpolicy@nysenior.org](mailto:publicpolicy@nysenior.org)

Did you  
miss our  
briefing on  
issues in  
the Aging  
budget?

---

Our budget testimony can be found  
on our website.

---

[www.nysenior.org](http://www.nysenior.org)

Click on the “Advocacy” tab  
Select “State & Federal Updates”  
from the drop-down box.

---

# 2023 StateWide's Patient Rights Helpline Funds restored

*Time to do it again!*



When your voice is clear, organized,  
**loud & timely**, our policy agenda can succeed!

Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

# Call your legislators to support StateWide's Patient Rights Helpline

**Make your phone calls right away!**

- PHONE your State Assemblymember
- **518-455-4100** – ask Switchboard operator to connect you to your Assemblymember
- Message: My name is \_\_\_\_\_ & I live in the district. **Please stop the cut in NY StateWide Senior Action Council's Patient Rights Helpline by restoring \$200,000 to the Governor's Aging budget**
- PHONE your State Senator
- **518-455-2800** – ask Switchboard operator to connect you to your Senator
- Message: My name is \_\_\_\_\_ & I live in the district. Please stop the cut in NY StateWide Senior Action Council's Patient Rights Helpline by restoring \$200,000 to the Governor's Aging budget
- Report back on your calls and the offices' responses to Gail.

**Questions? 800-333-4374**



*"This budget makes it clear that fiscal discipline can co-exist with progressive, people-driven policies."*

## **"Our New York, Our Future"**

Governor Hochul says she is:

*"making New York more affordable, more livable and safer .....*

*while utilizing a fiscally responsible approach that keeps the State on a steady path for years to come."*



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



# Biggest Budget Ever!



- New fiscal year to start with an unexpected \$2.2 billion surplus
- Governor commits \$1.9 billion to the migrant crisis
- Proposed Budget: \$232.7 billion, an increase of \$1.0 billion or 0.5 percent from the current year
- State only portion: \$148 billion, an increase of \$5.7 billion or 4.1% from the current year

# Facing cuts – more revenue needed!

Spending at a slower rate of growth than needed does not meet NYers needs.

- Education
- Health Care



A January 2024 Siena College poll found that a majority of New York voters are in favor of raising taxes on large, profitable corporations and the top 5 percent of earners.

The Governor opposes new taxes to balance the budget.

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



# Governor Hochul's Budget Highlights

Improving Public  
Safety and  
Cracking Down on  
Crime

Transforming the  
Mental Health  
Continuum of Care

Record-Breaking  
Investments in  
Public Education

Transform the  
State's public  
higher education  
system

Supporting New  
York's Health Care  
System

Promoting  
Economic Growth  
and Opportunity

Safer Roads, Better  
Transit

Fighting Climate  
Change and  
Promoting  
Resiliency

Addressing the  
Migrant and  
Asylum Seeker  
Crisis

Continued Focus  
on Housing

Strengthening and  
Promoting  
Agriculture

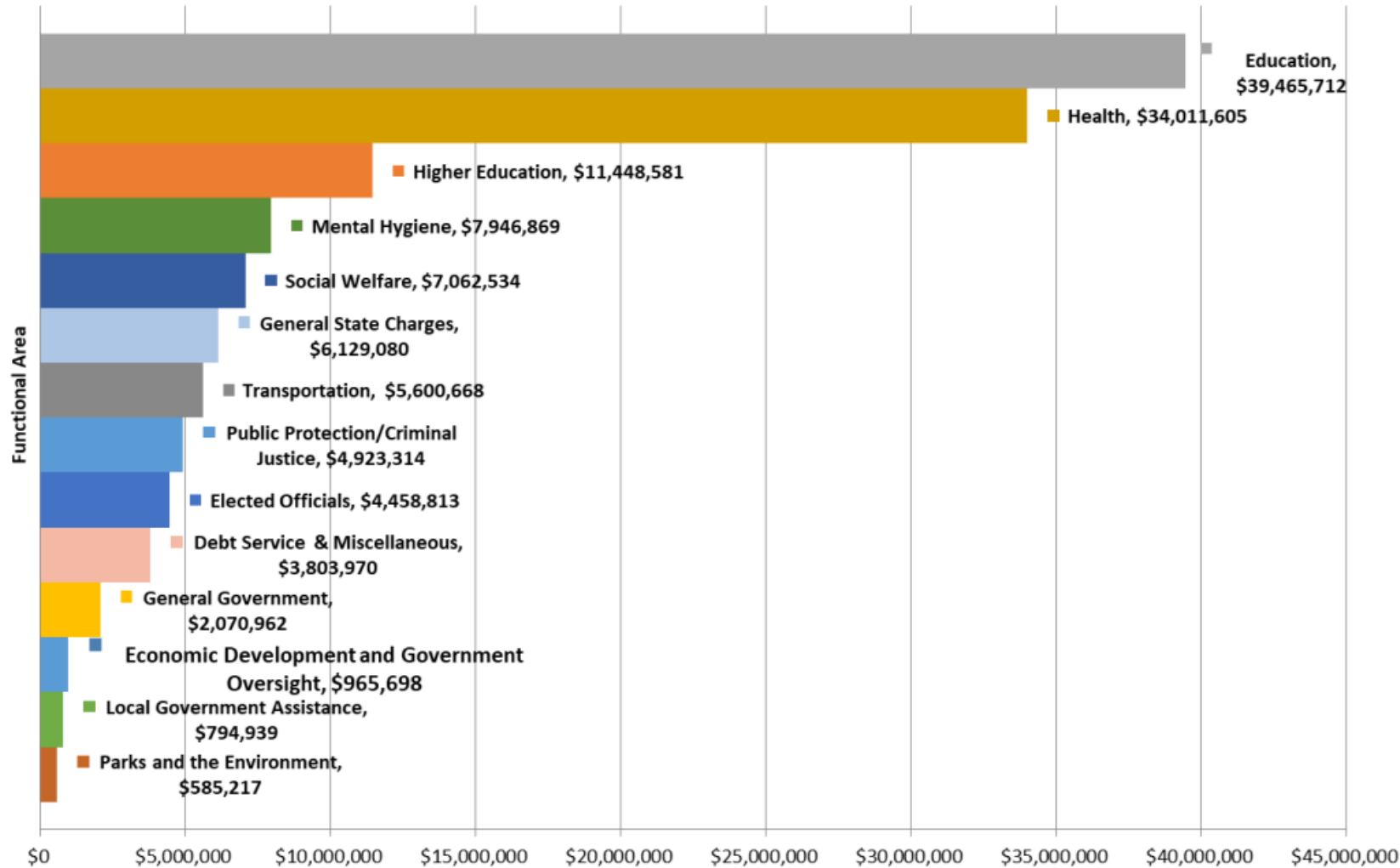
Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

**A BUDGET**  
is  
**A MORAL DOCUMENT.**

**WHAT WE FUND**  
is  
**WHAT WE VALUE.**

Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

# SFY 2024-25 Executive Budget State Operating Funds Disbursements (\$ thousands)



NYS Office  
for Aging  
Funding is  
< 1% of the  
budget

Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

## Governor Hochul – when talking about budget-busting long term care costs:

- “Our aging population, that's the answer. We knew this was coming, it's demographics.....
- “ The number of people needing this care is dramatically higher than it was even a decade ago.
- “So, we're willing to work with our health care industry and other stakeholders, the legislature, to find the right answers.
- “And we'll find ways to maximize our Medicaid dollars and reimagine the delivery system.”



## In the January 2024 State Budget Presentation, Governor Hochul said:



- “We're trying to find ways now to save over a billion dollars in Medicaid.
  - “Now to address some of these long-term stressors facing our health care sector, I've impaneled two key resources. One is the New York State Commission on the Future of Healthcare and the New York State Master Plan for Aging.
- “These efforts will help us identify ways to improve the long-term care sector, which is by far the fastest growing area of health care.”

**\$avings** is another word for Medicaid Cuts





## Cuts proposed by Governor to State's Medicaid program!



- Governor is proposing **billions** in cuts in Medicaid funding
- Some cuts will be proposed by groups outside of government composing two panels
  - \$400 million *unspecified savings* in Medicaid spending and Long Term Care
- Proposed cut to Medicaid Prescriber Prevails, and allows Commissioner of Health to take Over the Counter Drugs off the Medicaid coverage list



# Medicaid Advocacy Action needed

---

Promote transparency and consumer input into cuts to be proposed by the Master Plan in Aging and the Health Care Transformation Panels.





# Home Care Crisis



- Proposed Reduction in Consumer Directed Program Home Care Workers wage growth to achieve budget savings of \$200 million in Year 1 and \$400 million in subsequent years on the back of the consumer directed workforce – by eliminating wage parity in NY/Metro area. (hourly wage cut)
- Advocates Propose: **Fair Pay for Home Care** is free standing legislation to increase the pay of home care workers to 150% of the minimum wage.  
Support S3189/A8821
- **New** advocacy proposal – get rid of Medicaid Managed Long Term Care (MLTC)

Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374

# Rightsizing Long Term Care – take out the profit motive!

## The Solution

The Home Care Savings & Reinvestment Act would stop the State from giving insurance companies billions of dollars by removing these ineffective middle men and returning home care management directly to the State.

The Act will generate ~\$3 billion in savings annually, which could be used to pay for growing home care needs, improve service quality, and ensure continuity of care by funding higher wages for home care workers during New York's worst-in-the-nation home care worker shortage.

**\$3  
BILLION/  
YEAR**

Annual savings for New York State once the Home Care Savings & Reinvestment Act is passed

**\$25-\$32  
BILLION**

Ten-year savings for New York State once the Home Care Savings & Reinvestment Act is passed



**Home Care Savings & Reinvestment Act**  
S7800/A8470

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



# Medicaid Advocacy Action Needed



- Medicaid Home Care – Repeal the change in number of Activities of Daily Living (& the elimination of housekeeping only) Support S328/A6346



- Repeal the Medicaid Home Care Look Back Support S6414



- Elimination of Medicaid Asset Test Support S4881-A/A5940-A

Phase it out. Increase it from 150% FPL to 300% in year 1 and eliminate it in year 2.







# Governor Proposes Provider Cuts

- Hospitals
- nursing homes

# Governor Proposes Less Nursing Care

- Proposes to allow nursing home CNAs to administer medications.
- We need more nursing aides – not give more work to those that are barely hanging on!
- We need the new law on minimum hours of resident care per day enforced!



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**

# Supporting Safety Net Hospitals



- The Governor proposes:
- Establishing a \$500 million statewide Healthcare Safety Net Transformation Program to support safety net hospitals through partnerships with other healthcare facilities.  
The funds will be awarded as grants outside of the competitive bid or request for proposal process.  
Hospitals that serve certain amounts of individuals who are eligible for medical assistance programs will be able to apply for the Program.
- Safety nets will have to submit a transformation plan that includes a 5 year strategic plan, key metrics, and goals. Financial resources can be withheld if metrics and goals are not met.

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



**Trying Again !!!!!!!!!!!**  
**Governor proposes**

# Assisted Living oversight changes

## 1. Changes in DOH survey schedule

“Advanced Standing facilities” will only be surveyed every 12-18 months.

## 2. Exemptions from survey

Facilities that obtain accreditation from a nationally recognized accreditation organization exempt from DOH inspection

- Quality measures (determined by DOH) self reported by facility, by Jan 31, 2025
- Posting of the monthly service rate, staffing numbers, approved admission or residency agreement and a summary of all service fees, by Jan 31, 2025



# Crisis in Urgent Care

The Governor proposes:

- ***Updating the definition*** of emergency medical service to expand the role of EMS in responding to emergencies & non-emergencies
- continuing the Mobile Integrated and Community Paramedicine Program, **+ 200 new** or expanded programs statewide, to provides limited healthcare services to individuals who have transportation issues, no primary care practitioners, and ***live a long distance from the nearest health care agency.***
- ***creating the Paramedic Urgent Care Program for rural counties. Under this program, any organization authorized to provide advanced life support services may apply to DOH to operate an urgent care.***







## **Governor proposes new penalties on Medicaid Managed Care insurers (MCOs)**

- authorizes DOH to impose fines (from \$250 to \$25,000 per violation) to MCOs that violate state and federal laws and regulations or the Medicaid model contract.
- MCOs will be prohibited from passing the burden to providers or subcontractors.

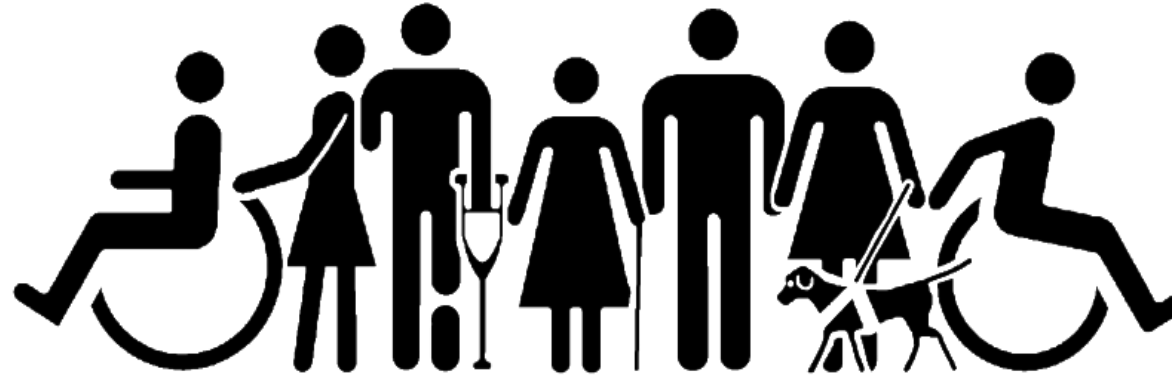


# Navigating the Hospital Care System

- The Governor plans to appoint a **Director of Patient Advocacy** to assist New Yorkers struggling with health care system complexities like billing, insurance, and program eligibility and to help them uphold the hospital patient bill of rights.



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



The Governor pledges to issue an Olmstead Plan to ensure that all people with disabilities receive services in the most integrated setting appropriate to their needs while supporting access to employment among working-age New Yorkers with a disability.



(Required since 1999!)

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**

# The Governor proposes no co-pays for insulin

Governor's well-intentioned plan to assist diabetics

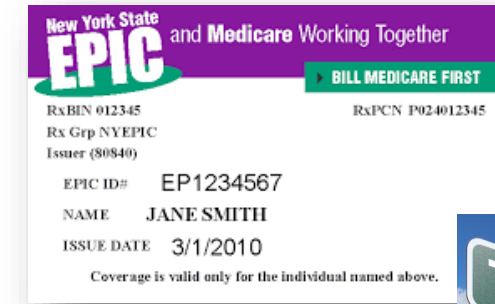
- Does not apply to Medicare Part D plans.
- Probably does NOT apply to public employee/retiree coverage (may be subject to bargaining)

We are grateful that the federal Inflation Reduction Act now limits insulin co-pays to \$35/month for Medicare enrollees, but.....

- The EPIC program should set a zero dollar co-pay for insulin so that older residents enrolled in EPIC receive the same benefit proposed by the Governor for the rest of NYers.



# “OUR” EPIC: Elderly Pharmaceutical Insurance Coverage



- There are no budget cuts – we expect savings as more people enroll in Medicare Savings Program and automatically get Extra Help
- Expand EPIC by including persons with disabilities younger than age 65, so that EPIC works for everyone on Medicare regardless of age Support S3005/A6450
- The EPIC program should set a zero dollar co-pay for insulin so that older residents enrolled in EPIC receive the same benefit proposed by the Governor for the rest of NYers.



## **Finally implemented! Medicaid coverage for Undocumented Residents age 65+**

- **Not in Budget Proposal:  
Need Coverage For All:  
support A3020/S2237**

### **Budget includes:**

- Essential Plan improvements  
(Exchange Low income insurance)  
  
BUT - proposes delaying for one year coverage of  
long term supports and services (LTSS) for all  
individuals up to 200% FPL.
- Continuous Health Insurance Coverage Eligibility for  
Children 0-6
- Maternal and Reproductive Health Reforms





# Addressing Access to Dental Care in the Budget

## 1. Expansion of practice authority

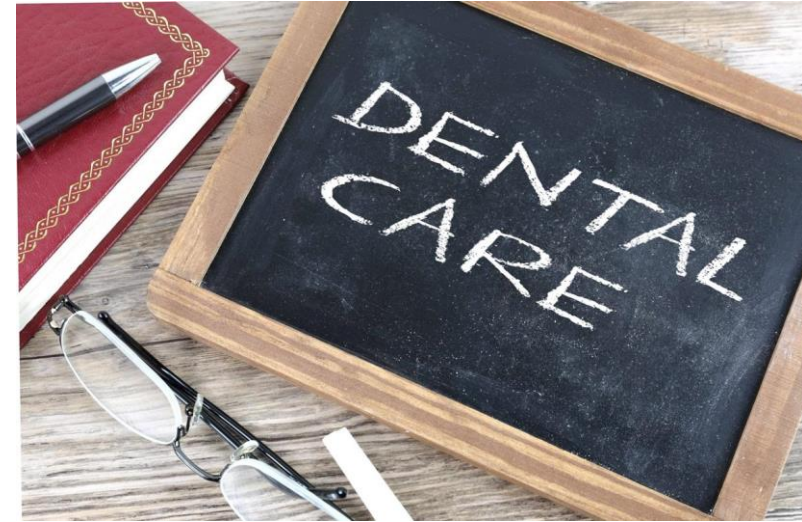
- Dentists would be allowed to administer: vaccinations and tests for influenza, COVID-19, HPV, and other viruses related to a declared public health emergency, and provide screening or diagnostic tests for HIV, blood sugar levels, and Hepatitis C.
- Dental Hygienists with specific experience will be allowed to administer block anesthesia under the supervision of a dentist, practice certain orthodontics tasks, and administer 2D and 3D imaging.  
They will also be allowed to enter into collaborative practice agreements to practice certain tasks independently of a dentist

## 2. Loan Forgiveness for dentists committing to serve Medicaid patients

Not in the Budget:



Sen Cleare new bill to allow people 65 or older to purchase dental insurance on the New York State of Health, S7698





# Housing

- The Governor has set a goal to incentivize housing development.
- Local governments, with pro-housing certification, will work on targets to mitigate the housing crisis. Communities will have the autonomy to determine how they'll reach their respective housing goals and the type of housing they'll build.
- The Governor continues to fund the 5year capital housing program with an additional \$20 million
- Real Property Owned By SUNY and DOT (Suffolk) would be used for housing development (up to 15,000 units of housing)
- Consumer Protections:  
Protect Section 8 tenants from voucher discrimination.  
Prohibit property insurance companies from refusing to cover or elevating premiums because the policyholder lives in "affordable housing."

# Housing – NYC in the budget

- Proposes a tax abatement for new rental and affordable housing in New York City
- Would give NYC flexibility to increase residential capacity by lifting density restrictions.
- Proposes an incentive for converting office buildings to below-market housing.
- Would authorize NYC to allow legalization of basement apartments.

***MISSING:***

***Tenants rights – “Good Cause Eviction”***





# The Environment

## Hochul Is Ready to Start Weaning New York Off Gas

- For new service hook-ups, eliminate the 100 foot rule and obligation of utilities to serve new natural gas customers,
- Prohibit the expansion of natural gas infrastructure beginning in 2026, and
- Expand the powers of the Public Service Commission related to the Climate Leadership and Community Protection Act's emission reduction requirements

The Senate agrees, but many legislators note “we can’t compromise reliability and affordability,”



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



# Proposal to Regulate “Buy Now, Pay Later” Loans



- Lenders who offer credit directly to consumers in connection with the purchase of goods or services, other than motor vehicles will have to be licensed by NYS.
- Any buy-now, pay-later loans made by unlicensed lenders, unless they are exempted from the proposal, would be considered void.
- Caps the interest on buy-now, pay-later loans at the state’s usury rate, currently at 16%/year.
- The proposal bans penalties and fees charged by the lender that the state considers unfair, abusive, or excessive.
- Adds consumer protections for buy-now, pay-later loans, including disclosures, credit reporting, a refunds policy, business record-keeping, and dispute resolution

# Proposed In the budget



- establishes safety standards for the sale of lithium-ion batteries,
- prohibits the sale of uncertified batteries and establishes fines for violations.





Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374





- The Governor signed a bill in December to prevent credit collection agencies from reporting uncollected medical debt to consumer finance agencies.
- Then she announced additional protections coming in the budget – all part of our Medical Debt Coalition work.



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



Budget proposes to:

- Increase the income eligibility for hospital financial assistance to 400% FPL.
- Prohibits hospitals from suing these patients to collect debt
- Extends the amount of time before collections can start
  - at least 180 days after issuing the first post-service bill
- Capping the interest charged on unpaid balances at two percent and the monthly payment under an installment plan would be no more than five percent of a patient's gross monthly income

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**





## Advocates seek further improvements

- a) apply to all hospitals, not just those that participate in the Indigent Care Pool,
- b) increase the income eligibility for assistance and repayment plans to 600% FPL and
- c) provide payment forgiveness after 36 months of payments have been made by patients with incomes between 200-400% FPL and after 60 months for those with incomes from 400-600% FPL.

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



## Economic Security: paid leave benefits

- Budget Proposes increases in **paid medical and disability leave benefits.**

Modelled after the state's paid family leave benefit:  
for the first 12 weeks of medical leave, eligible employees will receive 67% of their average weekly wage,  
(capped at 67% of the Statewide Average Weekly Wage)

- Currently: The maximum paid benefit has been capped at \$170/week since 1989.

**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**

# Economic Security in Budget: Energy Savings

- The Governor proposes a Statewide Solar for All program to efficiently deliver clean energy savings to low-income households.
- New program would provide an energy affordability guarantee to low-income residential ratepayers who electrify their homes through the EmPower Plus Program. Energy costs limited to 6% of their income for the term of the useful life of the electrification project.
- The Governor also proposes a Smart Energy Savings Initiative to allow New Yorkers to save on their utility bills by better managing daily energy usage through smart technology. The energy affordability guarantee would cap the electric bills of





# Economic Security for State Retirees at risk



- The Governor proposes to reduce retiree health coverage by stopping a long time policy of paying IRMA Medicare premium for NYS retirees.
- State retirees should get the same coverage they had when actively employed so they don't face limits on skilled nursing facility care. The Governor vetoed a bill in 2022 because it wasn't funded.....but has failed to include in the budget!



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**



**Address**

**Food Insecurity,**

**not in the Budget (yet)**

**SNAP benefit expansion  
proposed by Legislature**



INCREASES THE MINIMUM  
SNAP BENEFIT FOR NYers  
FROM \$23/MONTH TO  
\$100/MONTH  
USING STATE FUNDS TO FILL  
THE GAP.



**S7663-A BY SENATOR  
MAY  
A6214-A BY  
ASSEMBLYMEMBER  
GONZALEZ-ROJAS**



IN RESPONSE TO THE COVID-  
19 PANDEMIC, FEDERAL  
SNAP BENEFITS WERE  
TEMPORARILY EXPANDED,  
HOWEVER THAT EXPANDED  
BENEFIT HAS EXPIRED.



**Medicare, Medicare Fraud, Patient's Rights Helpline 800-333-4374**

# Next Steps – Call your legislators to support StateWide's Patient Rights Helpline

**Make your phone calls right away!**

- PHONE your State Assemblymember
- **518-455-4100** – ask Switchboard operator to connect you to your Assemblymember
- Message: My name is \_\_\_\_\_ & I live in the district.

**Please stop the cut to NY StateWide Senior Action Council's Patient Rights Helpline by adding \$200,000 to the Governor's Aging budget**

- PHONE your State Senator
- **518-455-2800** – ask Switchboard operator to connect you to your Senator
- Message: My name is \_\_\_\_\_ & I live in the district. Please stop the cut to NY StateWide Senior Action Council's Patient Rights Helpline by adding \$200,000 to the Governor's Aging budget
- Report back on your calls and the offices' responses to Gail.

**Questions: 800-333-4374**



# QUESTIONS?



**Put your questions in the Q & A,  
if we have time, we'll try to  
respond.**

- **Contact us at 1-800-333-4374**
- **Email: [publicpolicy@nysenior.org](mailto:publicpolicy@nysenior.org)**