



RICHARD N. GOTTFRIED  
75TH ASSEMBLY DISTRICT

CHAIR  
COMMITTEE ON HEALTH

## NEW YORK STATE ASSEMBLY

822 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248  
TEL: 518-455-4941 FAX: 518-455-5939

250 BROADWAY, RM. 2232, NEW YORK, NY 10007  
TEL: 212-312-1492 FAX: 212-312-1494

E-MAIL: GOTTFRR@ASSEMBLY.STATE.NY.US

COMMITTEES:  
RULES  
HEALTH  
HIGHER EDUCATION  
MAJORITY STEERING

CHAIR  
MANHATTAN DELEGATION

December 15, 2018

Carl E. Heastie  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, New York 12248

Dear Speaker Heastie:

I am pleased to submit the 2018 Annual Report of the Assembly Committee on Health. This year the Committee was successful in securing the passage of a host of measures to improve and ensure consistent, quality health care throughout New York State.

On behalf of myself and the other members of the Committee, I thank you for your leadership, support and encouragement throughout the Legislative Session.

Very truly yours,

Richard N. Gottfried  
Chair  
Committee on Health



**New York State Assembly**

**Committee on Health**

**2018 Annual Report**

Richard N. Gottfried  
Chair

Albany, New York

**NEW YORK STATE ASSEMBLY  
CARL E. HEASTIE, SPEAKER  
RICHARD N. GOTTFRIED, CHAIR  
COMMITTEE ON HEALTH**

**Health Committee Members**

**Majority**

Thomas Abinanti  
Rodneyse Bichotte  
Edward C. Braunstein  
Kevin A. Cahill  
Steven Cymbrowitz  
Jeffrey Dinowitz  
Sandra R. Galef  
Richard N. Gottfried, Chair  
Aileen M. Gunther  
Andrew D. Hevesi  
Ellen C. Jaffee  
Ron Kim  
Charles D. Lavine  
Shelley Mayer  
Amy R. Paulin  
Crystal D. Peoples-Stokes  
Linda B. Rosenthal  
Robin L. Schimminger  
Michaëlle C. Solages  
Phillip Steck  
Matthew J. Titone

**Minority**

Kevin M. Byrne  
Andrew Garbarino  
David G. McDonough  
Michael J. Norris  
Edward P. Ra  
Andrew P. Raia, Ranking Minority Member  
Raymond W. Walter

**Health Committee Staff**

Mischa Sogut, Legislative Director  
Monica Miller, Senior Legislative Associate  
Sherri Salvione, Legislative Associate  
Kayleigh Metviner, Legislative Associate  
Kathryn Curren, Committee Clerk  
Christina Coppola, Administrative Assistant

**Program and Counsel Staff**

Jennifer Best, Assistant Secretary for Program and Policy  
Janice Nieves, Associate Counsel  
Anthony Kergaravat, Senior Analyst  
Cynthia Jacobson, Committee Assistant  
Sarah Conklin, Administrative Assistant  
Jeannie Shepler, Administrative Assistant

## Table of Contents

<b><u>Section</u></b>	<b><u>Page Number</u></b>
1. Summary Sheet	3
2. Final Action on Committee on Health Bills in 2018	4
3. Public Hearings and Roundtables of 2018	11

SECTION I

**2018 SUMMARY SHEET**

SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON

Health

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD: 11**

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED FAVORABLE TO:</b>			
CODES	33	0	33
JUDICIARY	0	0	0
WAYS AND MEANS	31	0	31
RULES	7	0	7
FLOOR	17	0	17
TOTAL	88	0	88
<b>COMMITTEE ACTION</b>			
HELD FOR CONSIDERATION	31	0	31
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	13	0	13
<b>REMAINING IN COMMITTEE</b>	402	37	439
<b>BILLS REFERENCE CHANGED TO:</b>			
<b>TOTAL</b>	0	0	0

## SECTION II

### Final Action on Committee on Health Bills in 2018

**Important Note:** The “Descriptions” in this section should not be relied on or used for any purpose other than to indicate generally the subject matter of the bill.

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.150-A Cahill	Require nursing homes to notify residents of their policy on physician privileges.	Calendar 775
A.256 Dinowitz	Authorize health maintenance organization to extend the time frame in which enrollees may continue to receive services from a provider who disaffiliates under certain circumstances.	Calendar 971
A.330-B Dinowitz S.169-B Rivera	Prohibit smoking within 100 feet of the entrances or exits of any public library or association library.	Chapter 420
A.397-B Gunther S.7522-A Hannon	Prohibit smoking in rooms of private homes where child care services are provided.	Chapter 201
A.587-C Rosenthal S.2816-B Hannon	Require urine polymerase chain reaction testing for cytomegalovirus in newborns with hearing impairments.	Chapter 307
A.1269-C Benedetto	Prohibit children age twelve and younger from playing tackle football.	Referred to Codes
A.1509 Cahill	Require the Child Health Plus program to include ostomy equipment and supplies as covered health care services.	Referred to Ways and Means
A.2674-A Paulin S.3793-A Krueger	Provide for the dispensing of emergency contraception under certain circumstances.	Referred to Ways and Means
A.2810-B McDonald S.4374-B Amedore	Require practitioners that administer naloxone to report to the administration of the agent to the Prescription Monitoring Program.	Referred to Codes
A.4738-A Gottfried S.4840-A Rivera	Establish the New York Health Plan, a universal single payer health plan.	Passed Assembly
A.4915 Rosenthal	Require the DOH to conduct a study on long range acoustic devices and the effect of exposure on an individual’s hearing.	Referred to Ways and Means
A.5359-B Cook	Require the Medicaid program to establish mandatory minimum periods of coverage for hospitals stays for maternity patients.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.5514-C Galf S.1165-B Carlucci	Require caregiver consultation as part of discharge planning for patients with a central venous line.	Passed Assembly
A.5745-A Benedetto	Require tackle football programs to provide information to children and parents on concussions and sub-concussive blows, and the injuries that may result.	Referred to Ways and Means
A.6009 Gottfried S.1087 Rivera	Eliminate prohibitions related to smoking medical marihuana.	Calendar 627
A.6058-B Englebright S.7367-A Parker	Require COH to establish a statewide emergency contraception college education and awareness program for each public college and university in the state.	Referred to Ways and Means
A.6733 Lavine S.2763-A Golden	Establish requirements for the audit of pharmacy records by pharmacy benefit managers.	Passed Assembly
A.7492-A Gottfried S.5622-A Hannon	Authorize pharmacists to synchronize the dispensing of multiple prescriptions for Medicaid recipients.	Passed Assembly
A.8014 Rosenthal S.1223 Ashkar	Prohibit distribution of electronic cigarettes free of charge to minors.	Chapter 4
A.8054-A Gottfried S.8618 Rivera	Expand the age of eligibility for Child Health Plus to age twenty-nine.	Referred to Ways and Means
A.8068 Weprin	Authorize an increased rate for nursing homes that provide services to individuals returning from incarceration.	Referred to Ways and Means
A.8383 Woerner S.5940 Valesky	Exempt substances containing human chorionic gonadotropin intended for use in animals from the controlled substances law.	Chapter 428
A.8401-C Simotas S.8977 Hannon	Establish a sexual assault survivor bill of rights.	Chapter 407
A.8432 Gunther S.6672 Hannon	Require DOH to conduct a feasibility study on a prescription drug product stewardship program.	Referred to Ways and Means
A.8435 De La Rosa S.6515 Peralta	Require DOH to establish an alternative form of identification for use of the special supplemental nutrition program for women, infants and children.	Passed Assembly
A.8498 Hyndman	Require DOH to conduct a study on the incidence of asthma in the 5 <sup>th</sup> congressional district of the state.	Referred to Ways and Means
A.8500 Hyndman	Require DOH to conduct a study on the incidence of asthma in cities with a population of one hundred thousand or more.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8656 Gottfried S.6867 Hannon	Provide that a majority of the appointed voting membership of the Early Intervention Council constitutes a quorum.	Passed Assembly
A.8688 Rosenthal S.8610 Hannon	Prohibit sale and distribution of flavored e-liquid for use in electronic cigarettes.	Referred to Codes
A.8697 Titone	Prohibit mandatory arbitration clauses in contracts with residential health care facilities and their residents.	Passed Assembly
A.8703-A D'Urso S.6144-B Croci	Provide for the appointment of interim members on the state Veterans' Homes Board of Visitors.	Vetoed Memo 264
A.8781 Rosenthal S.6940 Hannon	Prohibit pharmacy benefit managers from imposing contractual provisions on pharmacies pertaining to clawbacks and to prevent disclosure of the price of medication.	Vetoed Memo 339
A.8788-B Solages S.6727-B Helming	Authorize the provision of lactation counseling services without a referral from a provider.	Passed Assembly
A.8811-A Cook	Authorize the Department of Health to conduct an education and outreach campaign on the HTLV-1 and HTLV-2 viruses.	Referred to Rules
A.8819-B Rosenthal S.7765-B Golden	Require hospitals to distribute information on lymphedema to patients that are at risk.	Chapter 283
A.8870-A Jean-Pierre S.6035-A Brooks	Require death certificates to include information about the specific opioid that caused the death when a person dies from an opioid overdose.	Passed Assembly
A.8904 Gottfried S.7755 Savino	Eliminate the list of qualifying conditions for certified use of medical marihuana and redefine "serious condition."	Calendar 643
A.8915 Gottfried S.7563 Savino	Authorize health care practitioners that may prescribe controlled substances to certify patients for use of medical marihuana.	Calendar 616
A.8916-A Abinanti S.6054-A Hannon	Authorize the provision of private duty nursing services by a relative of the Medicaid recipient.	Referred to Ways and Means
A.8953 Richardson S.7409 Krueger	Require DOH in consultation with the Office of Mental Health to inform providers of the need to raise awareness and address maternal depression.	Chapter 62

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8957 Simotas S.7408 Hannon	Require the COH to conduct a study on the effectiveness of safe sleep practices for infants and identify additional practices to reduce infant mortality rates.	Chapter 46
A.8988 Jones S.7329 Hannon	Redefine appointments for the rural health council and require the council to recommend ways to obtain data on the healthcare workforce in rural areas.	Chapter 43
A.8989 Paulin S.7327 Hannon	Require access to employee restrooms in places of business open to the general public for certain medical conditions that require immediate restroom access.	Chapter 42
A.8992 Dinowitz S.7295 Alcantara	Require the COH to take enforcement action when an area of lead poisoning has been designated.	Chapter 20
A.9004 Gottfried S.7328 Ort	Require the DOH to provide written notice to Medicaid recipients and applicants of the option to participate in a qualifying trust as a means for qualifying for Medicaid.	Chapter 435
A.9016 O'Donnell S.7564 Savino	Add opioid use disorder to the list of conditions that qualify patients for use of medical marihuana.	Passed Assembly
A.9018-A Abinanti S.6948-A Hannon	Establish an Office of the State Medical Indemnity Fund Ombudsman and a Medical Indemnity Fund Advisory Panel to receive and resolve complaints and improve the function of the Medical Indemnity Fund.	Referred to Ways and Means
A.9034 Gottfried S.7282 Alcantara	Clarify that adult care facilities are required to report alleged felony crimes involving residents that received mental hygiene services to the Justice Center.	Chapter 64
A.9035 Gottfried S.7326 Hannon	Require fiscal intermediaries in the Consumer Directed Personal Assistant Program to obtain authorization from the DOH by January 31, 2018.	Chapter 41
A.9520 Woerner S.8887 Marchione	Require DOH, in consultation with the Department of Environmental Conservation, to conduct a study on the potential link between cancer and neurological diseases and environmental contamination.	Referred to Ways and Means
A.9521 Gottfried	Require the Medicaid program to cover services delivered via telehealth.	Referred to Ways and Means
A.9562 Lupardo	Establish a certificate of need process for the assisted living program and impose a moratorium on the issuance of new beds in certain circumstances.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.9576-B Gunther S.9100 Hannon	Establish a drug take back program funded and administered by the pharmaceutical industry to provide for the safe disposal of unused pharmaceutical drug products.	Chapter 120
A.9594-A Sepulveda S.7569-A Hamilton	Require the Medicaid program to provide coverage for immigrants classified by the federal government as having temporary protected status based on their country of origin.	Enacting clause stricken
A.9675 Gottfried	Include health care facilities operated or supervised by the Department of Correctional Services or local correctional facilities within the definition of hospital.	Referred to Codes
A.9676 Gottfried	Add categories of health services policies and practices adopted by the Department of Corrections and local jails subject to DOH review, and require a biennial study of health care staffing adequacy in such settings.	Referred to Codes
A.9837-A Steck	Require full implementation of the Electronic Death Registration System by January 1, 2019, and establish penalties for non-compliance.	Passed Assembly
A.9868-A Santabarbara S.8955 Ortt	Require the COH to adopt developmental screening for children age three and under as part of best practice protocols for early screening for autism spectrum disorders.	Chapter 241
A.9869 Abinanti	Add autism to the list of conditions that qualify patients for use of medical marihuana.	Calendar 815
A.9926 Gottfried S.6964-A Hannon	Require hospitals to ensure that sexual assault survivors are not billed for sexual assault forensic exams and notified of the option to have the Office of Victim Services reimburse the hospital for the exam.	Referred to Codes
A.9950-B Gottfried S.8774-B Hannon	Authorize hospitals to establish non-patient specific orders for the care of health newborns by an attending registered nurse.	Chapter 366
A.9959-B Weprin S.7631-B Lanza	Establish an adoptee's right to a certified copy of their birth certificate upon the age of eighteen.	Referred to Codes
A.10221-A Gottfried S.8093-A Hannon	Extend various provisions of law.	Chapter 106
A.10321-B McDonald S.8145-A Hannon	Classify gabapentin as a controlled substance for the purpose of the Prescription Monitoring Program.	Referred to Codes
A.10345-A Gottfried S.7713-B Hannon	Authorize nurse practitioners to execute or implement a health care proxy and make a determination of capacity.	Chapter 342

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.10346-B Joyner	Establish a statewide maternal mortality review board to develop strategies for reducing the risk of maternal mortality.	Referred to Codes
A.10459-A Lupardo S.8353-A Hannon	Authorize residents of assisted living programs to access hospice services while remaining in the facility.	Vetoed Memo 344
A.10468-B Ryan S.8275-B Jacobs	Authorize the COH to reclassify substances listed in Schedule I of the controlled substance schedule following action by the federal government.	Chapter 164
A.10476-A Gottfried	Authorize physician assistants to execute orders not to resuscitate, as well as orders pertaining to life-sustaining treatment.	Referred to Rules
A.10588-B Gottfried S.8148-A Savino	Authorize health care facilities to assume the duties of designated caregivers in the medical marijuana program, authorize registered organizations to contract with other companies for services, and authorize registered organizations to increase the number of dispensaries.	Referred to Codes
A.10601 Rosenthal	Require charter schools to offer feminine hygiene products for students free of charge.	Referred to Ways and Means
A.10604 McDonald	Require the COH to establish Medicaid reimbursement and billing procedures for complex rehabilitation technology products and services.	Passed Assembly
A.10607 Solages S.7569-A Hamilton	Require the Medicaid program to provide coverage for immigrants classified by the federal government as having temporary protected status based on their country of origin.	Calendar 368
A.10675 Gottfried S.8392-A Hannon	Establish that a majority of the appointed membership for the Early Intervention Coordinating Council and the Maternal Child Health Services Block Grant constitutes a quorum.	Chapter 304
A.10707-A Bronson S.3981-B Savino	Require the Medicaid program to provide coverage for services provided by licensed mental health counselors.	Passed Assembly
A.10758 Morelle S.8926 Robach	Extend the authority for the residential care off-site facility demonstration project through June 2021.	Chapter 101
A.10763 Rosenthal S.8543 Serino	Require the COH to create information material on menstrual disorders for distribution in schools and by health care practitioners.	Referred to Rules
A.10781-A Gottfried S.7521-A Hannon	Establish requirements related to supervision of clinical laboratories.	Vetoed Memo 298

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.10809-B Paulin	Require maternal health care providers to provide written information to pregnant women that are candidates for cesarean section delivery pertaining to the risks associated with the procedure.	Calendar 1079
A.10814 Gottfried S.8905 Hannon	Require the DOH to establish a delay reason code for late submission of Medicaid claims due to implementation of a new or upgraded electronic medical record system.	Referred to Ways and Means
A.10826-A Lupardo S.8072-C O'Mara	Clarify the definitions of concentrated cannabis and marihuana to carve out industrial hemp from the schedule of controlled substances.	Passed Assembly
A.10830 Stern S.8158-A Seward	Extend the authority for the emergency technician 5 year re-certification demonstration program.	Chapter 102
A.10927 Gottfried S.6655 Hannon	Require the DOH to publish information on its website pertaining to drinking water emerging contaminant notification levels and related educational materials.	Chapter 314
A.10930 Barrett	Clarify that the diagnosis and treatment of Lyme and other tick-borne diseases made by treatment modalities that are not universally accepted by the medical community would not be the sole source of a professional misconduct investigation or report.	Calendar 75
A.11011-B Gottfried S.8987-A Amedore	Authorize the use of medical marihuana for pain and substance use disorder.	Chapter 273
A.11068 Dinowitz S.8878 LaValle	Authorize the DOH to authorize the issuance of licenses and renewals for funeral directors unless a determination that a violation has occurred.	Chapter 270
A.11073 Gottfried S.8953 Hannon	Require the Medicaid program to provide coverage for applied behavior analysis in the treatment of autism spectrum disorder.	Referred to Ways and Means
A.11126 Gottfried S.8942 Hannon	Clarify the COH's discretion to place applications for licensed home care services agencies before the Public Health and Health Planning Council for approval during the moratorium.	Referred to Rules
A.11127 Gottfried S.8943 Hannon	Exempt nursing home oral prescriptions from the electronic prescription mandate.	Referred to Rules

### SECTION III

#### **Public Hearings and Roundtables of 2018**

**Subject:** Marijuana Decriminalization and Regulation  
Joint Hearing with the Assembly Committees on Codes and Alcoholism and Drug Abuse

**Date/Place:** January 11 – New York City

**Subject:** Medical Aid in Dying

**Date/Place:** April 23 – Albany

May 3 – New York City

**Subject:** Access to Nalaxone

Joint Hearing with the Assembly Committee on Alcoholism and Drug Abuse

**Date/Place:** May 17 – New York City

**Subject:** 24-Hour Home Care

Joint Roundtable with the Assembly Committee on Labor

**Date/Place:** October 4 – New York City

**Subject:** Marijuana Decriminalization and Regulation

Joint Hearing with the Assembly Committees on Codes, Governmental Operations, and Alcoholism and Drug Abuse

**Date/Place:** October 16 – New York City

**Subject:** Medication-Assisted Treatment Programs in Correctional Facilities

Joint Hearing with the Assembly Committees on Alcoholism and Drug Abuse and Correction

**Date/Place:** November 1 – New York City

**Subject:** Marijuana Decriminalization and Regulation

Joint Hearing with the Assembly Committees on Codes, Governmental Operations, and Alcoholism and Drug Abuse

**Date/Place:** November 19 – Buffalo

**Subject:** Marijuana Decriminalization and Regulation

Joint Hearing with the Assembly Committees on Codes, Governmental Operations, and Alcoholism and Drug Abuse

**Date/Place:** November 20 – Binghamton

**Subject:** Marijuana Decriminalization and Regulation

Joint Hearing with the Assembly Committees on Codes, Governmental Operations, and Alcoholism and Drug Abuse

**Date/Place:** December 3 – Long Island