

Joint Legislative Budget Hearing - Written Testimony

Health – February 8, 2022

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ISSUE: The Medicaid Social Services Law was instituted in 1965. New York State needs to change the law so that registered nurses will be permitted to care for their family members who are on Medicaid and receive the registered nursing (RN) rate of pay. Medicine has changed in the past 57 years. People are now being cared for at home in their communities by family members. The general public is permitted to care for their family member who is a Medicaid recipient and get paid. So, a registered nurse (parent, guardian) should be permitted to care for their family member on Medicaid and get paid the nursing rate of pay. This is common practice in other states in the United States.

Currently, New York State has instituted a rule prohibiting this practice. Medicaid Private Duty Nursing has the unacceptable practices rule in place. 16.2 G – which prohibits billing for services provided by a member’s legally responsible relative who is a registered nurse. This rule is outdated.

SOLUTION: “The Vincent Scheppa Bill – A04073” is a solution to this problem. It will permit a registered nurse (parent, guardian) to care for their family member who is on Medicaid. In dire situations when the patient is unable to care for themselves and in need of trauma care they should be permitted to be cared for by their parent or guardian (who is a registered nurse) in the home and not placed in a skilled nursing facility where lack of care which includes bed sores, contorted limbs and an untimely death would be imminent.

IMPACT: This bill has no fiscal impact for New York State. It saves the state millions of dollars, possibly hundreds of millions of dollars. People can be cared for at home in their community and not in a skilled nursing facility.