

# **New York State Psychiatric Association, Inc.**

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## **ALBANY REPORT FOR EXECUTIVE COMMITTEE MEETING** **TUESDAY, JANUARY 19, 2021**

*GLENN MARTIN, M.D., CHAIR OF COMMITTEE ON LEGISLATION*

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### **I. 2021 Legislative Session Update**

The 2021 Legislative Session commenced on Wednesday, January 6, 2021. The Legislature consists of 43 new members: 14 in the Senate and 29 in the Assembly.

### **II. 2021-22 Executive Budget Proposal**

Earlier today, Governor Cuomo presented his executive budget proposal for 2021-22, which is predicated on two options depending on "if" and how much federal aid New York receives from the federal government. One option is if NY receives \$6 billion from the federal document, which means NY would still need to raise taxes and make reductions to the tune of \$9 billion. The second option is if New York receives \$15 billion from the federal government, which the Governor projects is the current deficit/gap. In addition, Governor Cuomo threatened to sue the federal government if it does not receive the \$15 billion.

Budget Director Robert Mujica said the budget being submitted to Legislature today is predicated at receiving at minimum \$6 billion in federal relief – 1.7% of the \$350 billion proposed in President-elect Biden's \$1.9 trillion America Rescue Plan. If this is the case, NY will need to raise taxes, make 5% across the board cuts as well as reductions to education and health care. Governor Cuomo and Budget Director said \$15 billion is the "fair share" as NY represents 4.3% of the \$350 billion and NY comprises 5.4% of the population. The magnitude of the tax increases and across the board the board cuts depend on the amount of federal relief. Based on the budget briefing book, the following policy proposals have been included:

- Integration of OMH & OASAS
- Telehealth – See outline of proposal in section reporting on State of State
- Convert Rockland Children's Psychiatric Center (PC) to a Comprehensive Children's Center. Per the budget briefing book, "The FY 2022 Executive Budget includes a plan to develop an innovative, voluntary-operated center for children and youth in need of brief, intensive community-based care, including residential treatment. This will provide much-needed community-based and home-based care for youth in this region."
- Physician's Excess Medical Malpractice Restructuring – Per the budget briefing book, "This year the Budget will require a payment restructuring to allow \$51 million in savings in the first year. Since the

program's creation in 1986, the medical malpractice insurance market has stabilized and strengthened considerably, thereby reducing the need for the State to pay for this supplemental insurance. Additionally, since policy year 2015, enrollment in the program has decreased by 24 percent."

- **Defer Cost of Living Adjustment (COLA) Payment.** The Budget defers FY 2022 Human Service COLA payment, saving SOFA \$2 million in FY 2021.
- **Medicaid Pharmacy – Unclear if repeal of prescriber prevails is once again proposed.**
- **Recreational Cannabis**
- **Support Raise the Age Implementation.** The Budget includes a \$250 million appropriation to support continued implementation of the Raise the Age initiative.
- **Closure of four state youth facilities –** Per the budget briefing book, "Four youth facilities have been chronically underfilled, with a total bed capacity of 142 and only 50 youth currently placed. Given system-wide long-term excess capacity, which could handle these youth elsewhere, these facilities will be closed. Article VII legislation submitted with the Budget will amend the one-year notice requirement to allow these facilities to close in calendar year 2021. In addition to \$21.8 million in operational savings on a full annual basis, closure of these facilities will result in avoidance of approximately \$14 million in capital costs, which would better allow OCFS to manage the needs of their remaining capital-intensive facilities.

### **III. Governor Cuomo's 2021 State of the State**

Governor Cuomo's four speeches comprising his 2021 State of the State outlined the overarching 7-point plan for the coming year as follows: (1) Defeating COVID; (2) vaccinating NY; (3) managing the short-term economic crisis; (4) investing in the future; (5) transitioning to a green economy; (6) understanding the long-term effects of COVID for society, economy and public health and exploiting such for growth; and, (7) addressing Systemic injustices. While Governor's oral remarks touted the signature features of the plan including large scale infrastructure and renewable energy projects, this summary delves into the 322-page State of the State Book (link at the end of report) to examine and highlight proposals not mentioned during the speeches.

#### **Telehealth/Telemedicine Proposal (Pages 26-30 in State of the State Book)**

Governor Cuomo's state of the state book lays out a multi-faceted plan to expand telehealth in the aftermath of the COVID-19 pandemic. The elements:

- Eliminate provider location requirements so telehealth can be provided and reimbursed "...regardless of where the patient or provider is located."
- Develop interstate licensing reciprocity with states in the Northeast region "...for specialties with historical access shortages."
- Permit credential alcoholism and substance use counselors (CASAC) and substance use counselor trainers who are not yet licensed to deliver addiction services.
- Eliminate in-person evaluation requirements before telehealth services can be delivered.
- Develop regulatory structure for one that focuses on virtual outpatient substance use disorder programs.
- Explore expansion of existing initiatives to bring behavioral health services into nursing homes.
- Require "commercial health insurers, and Medicaid, subject to federal approval, to provide coverage for high-value, medically appropriate telehealth services, including by telephone." The state of state book states, "Governor Cuomo will propose ensuring that telehealth is reimbursed at rates that incentivize its use when medically appropriate."
- Integrate telehealth visits into the patient's electronic medical records and require telehealth platforms to participate in New York's e-health collaborative or equivalent electronic medical records system.



- Require insurers to offer policyholders an e-triage or virtual emergency department platform enabling individuals to receive a symptoms assessment and a referral to a network of providers or emergency department when warranted.
- Promote expert consultations between professionals via telehealth and encourage insurers to reimburse providers directly for engaging in e-consults or permitting the inclusion of insurers' costs associated with e-consult platforms within the health care service costs.
- Integrate telehealth into the SHIN-NY.
- Provide support from Governor Cuomo's Reimagine NY Commission, DOH and private philanthropy to allow community health providers, libraries, pharmacies and others to invest in audiovisual devices, remote patient monitoring devices, physical telehealth spaces and other technologies to develop ways for underserved communities to connect.
- Launch a new optional continuing medical program on telehealth services, which will be run in partnership by NYS, Stony Brook Medicine, and the Northeast Telehealth Resource Center.

### **Strengthening Health Care Workforce**

- Provide preferred access to SUNY and CUNY to licensed nurses needing to complete their final baccalaureate credentials. Priority access will begin with Fall 2021 semester.
- Develop new pathways in health care careers – As part of the Workforce Development Initiative, \$2 million will be provided to incentivize new and expand industry partnerships that train new and existing health-care workers for "...higher-skilled, higher-paying jobs in health care or other high-growth fields where skills may be transferrable including industry-recognized credentials."
- Expand SUNY's free online center by adding health care certification programs for 2,000 health professionals including emergency medical technicians, certified nursing assistants, physical therapy aides, and other fields.
- Appoint a task force with representatives from hospitals, nursing schools and practicing nurses to "develop policy giving nursing schools flexibility to include simulations as part of mandated clinical coursework, as well as addressing any other barriers to clinical placement."
- Modernize Office of Professional Medical Conduct – Reforms attempt to address current law that prohibits confirmation of an investigation and will include legislation to:
  - "Update the Public Health Law to strengthen disciplinary oversight, thereby increasing patient safety and public awareness. This update will allow for expeditious removal of individuals who present a risk to the public;
  - Enact periodic renewal requirements to maintain their New York State license and ability to practice in New York, reducing the necessity of devoting Office of Professional Medical Conduct (OPMC) resources to investigations of out-of-state bad actors who are licensed, but do not actually practice in New York;
  - Ensure that the public can access information if there are concerns with the professional conduct of their health care providers;
  - Reform investigation and hearing processes to ensure that OPMC can fairly and timely act swiftly to protect patient safety, and hold physicians accountable; and
  - Ensure that consumers have accurate, up-to-date, and accessible information about New York State licensed physicians."
- Eliminate the \$20 monthly premium for Essential Plan for a family of four with an income between 150-200% of the federal poverty level (\$36,375-\$48,500).
- Expanding access to care in health care deserts – Citing a shortage of primary care physicians, Governor Cuomo will advance legislation to authorize pharmacists to:
  - "Provide health care screenings including HIV, COVID-19, influenza, Streptococcus, or other screenings permitted by the Health Commissioner;
  - Administer immunizations recommended by the CDC's Advisory Committee on Immunization Practices (ACIP) to adults and children two years and older;
  - Help people manage certain chronic conditions, like performing Hemoglobin A1C tests, which identify people with poorly controlled diabetes and/or prediabetes; and
  - Enter into Collaborative Drug Therapy Management agreements with physicians in the community setting under a Comprehensive Medication Management (CMM), where



pharmacists perform specified disease management services as directed by the patient's doctor."

- Direct Department of Health to undertake a comprehensive review and analysis of Medicaid, Essential Plan and Child Health Plus to address health inequities and reduce health disparities. This effort includes:
  - "Require managed care plans to address the social determinants of health of New Yorkers. Experience shows that relatively small investments in food, housing, and environmental safety can dramatically improve health, enhance quality of life, and avoid costly medical services. Continuing the work of New York's DSRIP waiver, New York State will require managed care plans participating in public health insurance programs to identify, assess, and, where feasible, address social needs that affect health outcomes.
  - Tie health plan quality incentive payments to the reduction in health disparities. Building on the work of New York's DSRIP waiver, Governor Cuomo will direct the DOH to better incorporate health equity goals into existing quality incentive programs. Specifically, to better target health plan quality incentive payments DOH will require health plans to collect and submit detailed data related to health disparities."
- Establish licensing rules and regulations for pharmacy benefit managers.

### **Expanding Mental Health & Addiction Services**

- Establish Comprehensive Crisis Response Services Program – New York is partnering with Johns Hopkins University to develop crisis response system that includes a "standard plan to divert individuals experiencing addiction issues, serious mental health illness and forensic admissions from emergency departments, inpatient settings and the criminal justice system." Program will also include training police officers on diverting individuals into crisis services.
- Amendments to Article 9 of the Mental Hygiene Law and provisions that mandate treatment. The proposed amendments will allow mental health professionals and law enforcement to assist individuals in engaging in care and treatment in the appropriate setting by:
  - "Allowing those professionals who currently have the authority to require the mandatory assessment of certain individuals, to have that assessment occur in a crisis stabilization center rather than a hospital emergency department or Comprehensive Psychiatric Emergency Program under certain conditions; and
  - Allowing professionals who currently have the authority to require the mandatory assessment of certain individuals to consider the risk of physical harm arising from such complete neglect of basic needs for food, clothing, shelter, or personal safety as cause for mandating the assessment." (Pages 55-57 of State of State Book)
- Promote integrated addiction and mental health through streamlined licensing – This will consist of legislation that enables outpatient providers to more easily integrate physical health care with addiction and mental health services. The book states, "After this new single license, a provider would be able to serve the mental health, addiction and primary care needs of any patient regardless of the [principal diagnosis], finally achieving the goal of having no wrong door."
- Innovation in Opioid Treatment – OASAS will be directed to do the following:
  - "Increasing the availability of Medication Assisted Treatment resources across the state by increasing the number of co-located medication units and mobile addiction treatment programs;
  - Expanding the use of take home medication for opioid misuse;
  - Providing immediate help by allowing OTPs to provide interim maintenance treatment to those seeking treatment, thereby eliminating waitlists at opioid treatment programs;
  - Increasing peer and family services in OTP settings to make programs more patient centered; and
  - Incorporating outpatient rehabilitation services into OTPs for those in need of more intensive services."
- Require OASAS to develop an authorization process and standards for individuals and businesses who assist New Yorkers in finding treatment. The standards will require "marketers" to disclose



connection to any treatment program and OASAS will develop a list of individuals and businesses that families can rely on.

### **Conquering COVID & Reimagining Public Health**

- Continued investment by Empire State Development (ESD) into program to help companies across NYS ramp up and retool operations to manufacture PPE. To date, NY has already invested \$20 million in 36 companies and in 2021 these ESD supported companies will have the capacity to produce up for 2 million N95 respirators, 4 million surgical masks, 1 million gowns and 600,000 face shields per week.
- Pass the Medical Supplies Act – This will prioritize buying American-made personal protective equipment (PPE) and medical supplies.
- Make hospital “surge and flex” regulations permanent assuring hospitals have plans in place to rapidly increase bed and staffing capacity.
- Enlist 1,000 in Public Health Corps to assist with vaccination efforts. The 1,000 “fellows” will include students in undergraduate and graduate public health programs, nursing and medical schools, recent graduates, retired medical professionals. The training curriculum has been developed by Cornell University and “corps” will be managed and coordinated by Bloomberg Philanthropies, Northwell and NYS Department of Health.
- Establish Citizens Public Health Council, which will provide free citizen public health virtual training on preparing for the next public health emergency. The training has been developed by Cornell University.
- \$40 Million NYS Biodefense Commercialization Fund – At Governor Cuomo’s direction, Empire State Development Corporation will launch a \$40 million NYS Infectious Diseases Resiliency Commercialization Fund, which is designed to accelerate growth in companies in NY and “... fast track development of innovations that address emerging infectious diseases and public health threats.” The size of grants will range from \$500,000 to \$1 million and be awarded to companies of all sizes who are working on innovations that are in the early to late-stages “...with an emphasis on those with the highest potential for commercial viability.” Experts from Columbia University and Mount Sinai Health System will be part of state committee that reviews and evaluates applications. (Pages 22-23 of State of State Book)
- Provide state employees with up to four hours of paid leave to get the COVID-19 vaccine.

### **Reopening Business Post-COVID/During Vaccination Ramp Up**

- Develop rapid testing network as tool to help businesses reopen, including indoor dining, museums, movie theatres and Broadway.
- Develop mobile to fast-track industry long shuttered during COVID.
- Support Return to COVID-safe workplaces – As part of this effort leading commercial real estate firms in New York City have joined a pledge to make “market-rate diagnostic COVID-10 testing available to tenants in their buildings” and DOH will issue best practice guidelines for office testing to support initiative.
- Launch a public/private partnership to organize pop-up performances and arts events across NYS. Performances will be held at outdoor and flexible venues. NYS will partner with The Andrew W. Mellon Foundation to launch the Creatives Rebuild Initiative, which will put back to work 1,000 artists.
- Repurpose underutilized commercial space for additional housing – Advance legislation to allow property owners to convert office buildings and hotels in NYC to housing.
- Aerosols Study with MIT To Ensure Continued Safety on Public Transit – MTA will partner with teams from Massachusetts Institute of Technology and U.S. Department of Homeland Security to prepare and produce report on the movement of aerosols that may contain COVID within the transit system.
- Launch Rediscover Campaign to encourage tourism within NYS
- Establish Commission on Future of NY’s Economy – The Commission will be tasked with preparing a roadmap to address the inequities exposed by COVID-19 pandemic including socioeconomic



disparities as well as plan to get New Yorkers back to work and attract people to work and live in New York.

- Continue to fight for federal relief to help alleviate NY's \$15 billion budget deficit

### **Comprehensive Adult-Use Cannabis Program**

- Governor Cuomo is for the fourth time proposing the legalization of adult-use cannabis, which is projected to create more than 60,000 new jobs, spur \$3.5 billion in economic activity and generate an estimated \$300 million in tax revenue when fully implemented. The components of the plan as outlined in State of State book:
  - "Creating a new Office of Cannabis Management to regulate all cannabis sectors in the state. The Office of Cannabis Management will implement a new regulatory framework for adult-use cannabis, that works in concert with, and is informed by, the State's current medical cannabis and industrial hemp programs.
  - Robust social and economic equity benefits to ensure New York's law will create an egalitarian adult-use market structure that does not just facilitate market entry but ensures sustained market share for entrepreneurs in communities that have been most harmed by cannabis prohibition. The proposal will also correct past harms by investing in areas that have disproportionately been impacted by the war on drugs, understanding that expunging past cannabis convictions helps to correct the injustice faced on the day that someone was arrested, but fails to correct the lasting harms that arrest has had on citizens, families, and communities.
  - National standards and emerging best practices to promote responsible use; limiting the sale of cannabis products to adults 21 and over and establishing stringent quality and safety controls including strict regulation of the packaging, labeling, advertising, and testing of all cannabis products.
  - The opportunity to invest in research and direct resources for harm reduction, treatment, and prevention providers that have long been underfunded. Further, the proposal includes a statewide education campaign that communicates the health risks of cannabis use for vulnerable populations and educates the public about the dangers of driving and engaging in other risky behavior while under the influence."
- Governor Cuomo will propose legislation to authorize online sports wagering. Under this proposal, the NYS Gaming Commission will issue a request for proposals and select one or more entities to provide online sports betting systems and platforms for eligible players located in NY and require any mobile wagering app to include safeguards to protect against abuses and addiction.

### **Support for Small Businesses**

- Codify executive order to establish a statewide moratorium on commercial evictions until May 1.
- Pro bono legal, education and technical assistance through the public/private partnership with Start Small Think big and NYS Bar Association. This partnership will provide assistance to small businesses and landlords with help needed to renegotiate leases. In addition, NYS and NY Court System along with Start Small Think Big and NYS Bar Association will launch Commercial Eviction Prevention Partnership will provide mediation for landlords and commercial tenants facing eviction, which will also include access to pro bono legal counsel.
- Advance legislation to authorize movie theaters to offer alcohol. (This been proposed before).
- Minority and Women-Owned Businesses – Direct Empire State Development's Division of Science, Technology and Innovation, in partnership with the Reimagine NY Commission, to launch the Entrepreneurship Navigator, which will focus on minority and women founders (MWBE) and accelerating their ventures. In addition, Governor Cuomo will establish public-private partnership for venture capital to provide mentorship to participating startups and MWBE founders
- Codify & expand COVID-era reforms including:
  - Online testing for occupational licenses – Department of State will transition from paper-based examination format to online testing with examinations instantaneously graded.



- Codify remote notarization.
- Another round of regional economic development councils (\$750 million)
- Expand NY's Hemp Industry – Work group will be convened consisting of hemp growers, researchers, producers, processors, manufacturers, and trade associations to make recommendations for "...the further development of hemp as a multi-use agricultural commodity and a mature cannabinoid wellness market."

## **Work Force**

- Launch of the Pathways Pledge in conjunction with NY's Reimagine Commission. As part of the pledge, NY's employers (public and private) commit to reforming talent recruitment, investment and promotion policies "... to ensure more equitable workforces post-COVID." Sixteen companies have already taken the pledge, which consists of committee to taking at least two of the following actions:
  - "Investing in worker retraining or skills development, including providing college financial support or supporting new skills training on the job;
  - Creating new apprenticeship programs to provide pathways for underrepresented populations;
  - Committing to exploring additional workforce supports for low-income workers or trainees, e.g., child care and transportation subsidies;
  - Committing to explore skills-based hiring models by removing, as appropriate, high school or postsecondary degree requirements for new hires;
  - Scaling relationships with existing nontraditional workforce development partners by providing funding and/or expanded staff time to facilitate recruiting, interviews, and mentorship opportunities for new prospective employees; and
  - Developing new relationships with New York State workforce development providers serving underserved communities, including SUNY, CUNY, Boards of Cooperative Educational Services and/or nontraditional workforce development organizations."
- \$5 million in scholarships to create more opportunities for low-income New Yorkers to access credential programs for high-demand jobs.

## **Build a New New York**

This part of the State of the State focuses on transitioning to the green economy and building infrastructure, elements that we previously highlighted in our day-of-reports. The one economic development proposal we want to draw attention:

- Database will be added to "Open NY" website that will display points on ESD's portfolio of projects, including project name, project location, State investment, type of benefit awarded, job creation and retention goals and progress-to date on such commitments, among other data points.

## **Building out NY Parks**

- In 2021, NY will open the Autism Nature Trail at Letchworth State Park, which will consist of eight stations each offering "...something different, from quite engagement to active exploration and adventure." The park/trail will be ADA-compliant and appropriate for all abilities and ages.

## **Closing the Digital Divide**

- Governor Cuomo will advance legislation requiring \$15 per month high-speed internet plan to any family that would qualify for free or reduced lunch or is at 185% of the federal poverty line. In addition, "internet service providers will need to ensure that these plans have speed and quality equivalent to the basic plan that the provider offers to the general public." In addition, internet service providers will be required to report offerings to Public Service Commission.



- Hardship Fund For Families & School Districts – Reimagine NY Commission, Schmidt Futures and Ford Foundation will launch a new hardship fund to help subsidize costs for New York students who can't afford \$15/month internet plan.

## **Women & Families Agenda**

- Affordable Child Care – Invest \$40 million to reduce subsidy copays helping 32,000 working families.
- Child Care Availability in Child Care Deserts – The plan includes the following:
  - "Invest \$6 million for start-up grants to create programs in child care deserts and wage supports for programs located in existing deserts identified through the Regional Economic Development Councils (REDCs);
  - Increase the value of the New York State Employer-Provided Child Care Credit by expanding the amount a business can claim for qualified child care expenditures to up to \$500,000 per year, up from \$150,000 per year. This enhancement will incentivize more businesses to use the credit and will expand access to child care for New York's working families;
  - Create a new toolkit to provide guidance and assistance to businesses looking to subsidize and facilitate access to child care for their employees; and
  - Establish permanent child care sector workgroups within the REDCs with relevant members from the child care field to guide and inform council decisions. New York will hold an annual summit on child care and the economy to provide business leaders the opportunity to learn more about child care as an essential workforce support.
  - Create the New Excelsior Child Care Investment Tax Credit to Encourage Employer Support for Child Care. The credit will be available to recipients of the Excelsior Tax Credit as a bonus incentive to create and provide child care services for employees and their families. ... Under the new policy, they will be eligible for an enhanced five percent Investment Tax Credit if they provide child care, and six percent of ongoing net child care expenditures provided by the company."
- Adopt the recommendations of the Child Care Availability Task Force, including elimination of redundant background checks.
- Establish NYS Care Diaper Bank program, which will provide free diapers to families in need through the NYS Food bank network.
- Establish NYS Student Service Corps to assist families.
- Addressing gender-based and domestic violence – The plan includes:
  - Transform the Office for the Prevention of Domestic Violence into the Office to End Domestic and Gender-Based Violence. This reimagined agency will be tasked with addressing the intersection of the many forms of intimate partner violence, including domestic violence and sexual violence, in a survivor-centered and comprehensive manner. By creating the Office to End Domestic and Gender-Based Violence, Governor Cuomo is building a permanent and unified hub of policy and state-of-the-art programming for New Yorkers facing gender-based violence.
  - Establish a domestic violence misdemeanor label – "In order to disqualify individuals found guilty of serious misdemeanors from obtaining a New York gun license, they must be found to have committed the crime against someone with whom they were in a domestic relationship; this process requires a separate hearing. Many disqualifying domestic violence misdemeanors are not "labeled" as such because the process to label state-disqualifying domestic violence misdemeanors is cumbersome. ... To ensure that domestic abusers do not have access to guns in New York State, Governor Cuomo will propose legislation to create a domestic violence misdemeanor label. This legislation will close the domestic violence gun-purchasing loophole and require the Office of Court Administration to report domestic felony statistics monthly to the Division of Criminal Justice Services and the Office to End Domestic and Gender-Based Violence."
  - Require abusers to pay housing costs to survivors.
  - Create a Coordinated Interagency Funding Program for domestic violence and sexual assault programs.
- Amend Family Court Act to remove the label of incorrigible to describe young people



- Establish Blue-Ribbon Commission on Forensic Custody Evaluations – In the establishment of this commission, Governor Cuomo notes there are few limits on who may act as forensic evaluator and how evaluations should be performed while families of color are often harmed by child welfare system. The commission will consist of judges, court personnel, forensic evaluators, attorneys who represent parties in custody matters, attorneys who represent children, survivors of gender-based violence, domestic violence advocates, and "...others with knowledge and experience on this topic."
- Racial Bias & Impact on Maternal Mortality – Governor Cuomo will direct DOH to create curricula for providers as well as for medical and nursing students.
- Pass Equal Rights Amendments to NYS Constitution – This will codify that all New Yorkers are equally protected under the law.

## **LGBTQ Rights**

- Eliminate discriminatory policing of transgender New Yorkers – Governor Cuomo will advance to repeal the section of the Penal Law that criminalizes "loitering for the purposes of prostitution," which has often been used to target transgender women.
- Direct Department of Motor Vehicles to implement policy change for correcting gender marker on driver's license consistent with policy DOH made for birth certificates.
- Advance legislation to eliminate barriers in the legal name change process, including the requirement that name changes must be published in a newspaper.
- Direct Bureau of Vital Records to develop process for transgender New Yorkers to correct name on their marriage certificate.
- Expand access to fertility coverage for same-sex couples – Direct Department of Financial Services to require insurers to provide immediate, day one coverage for fertility treatment for same sex couples seeking to start family.
- Advance legislation to prohibit judges from considering sex, sexual orientation, gender identity and gender expression of the parents when making a determination of a child's best interest in a child custody proceeding.

## **Support for New York Veterans**

- Connecting Veterans to Benefits – The plan consists of Governor Cuomo directing:
  - "All Executive State agencies that interact with the public to ask individuals in their service population whether they or any of their immediate family members have ever served in the nation's armed forces. Individuals who self identify as being veterans or members of a veteran's family will be provided with information about how the Division of Veterans' Services can review their eligibility for veteran's benefits and services.
  - All applicable Executive State agencies to seek certification to provide the on-the-job benefit for at least one appropriate position at each agency facility around the state."
  - Expand Veterans Treatment Courts (VTC)
    - Advance legislation to establish process enabling veterans charged with certain criminal offenses, not including domestic violence, in counties without a VTC to be transferred to VTC in another county. The transfer must include the consent of district attorney in the county where the VTC is located.

## **Child Welfare System**

- To create a more equitable and just child welfare system, Governor Cuomo proposes:
  - "Eliminating the use of prone restraints in all child welfare and residential juvenile justice settings;
  - Creating a "blind step-up" procedure to determine if a child needs to be elevated into congregate care. This would require decision makers to review only the relevant facts, without any information that may reveal the race, socioeconomic background, or sexual orientation/gender identity of the child;
  - Requiring implicit bias training for all child welfare staff; and
  - Requiring statewide implementation of the Family Assessment Response (FAR) program over a three-year period with respect to reports of child maltreatment."



## Police Reform/Public Safety

- Governor Cuomo announced signed Executive Order 203 on June 12, 2020, which requires local governments and police agencies (about 500 in NYS) to develop a plan that reinvents and modernizes police strategies and program in their community.
  - The plan must address among others the use of force by police officers, crowd management, community policing, implicit bias awareness training, de-escalation training and practices, restorative justice practices, community-based outreach, a transparent citizen complaint disposition procedure, and other issues raised by the community.
  - Plan must be formulated with community participation.
  - Plan must be enacted into local law by April 1, 2021 to be eligible for State funding.
- Advance legislation to strengthen hiring standards for police officers. The legislation will among others:
  - Require law enforcement agencies to comply with background check standards developed by the Division of Criminal Justice Services, that include at minimum: a criminal history check, **a mental health exam**, prior employer disclosure, review of decertification records, and disclosure of determinations by the Law Enforcement Misconduct Investigative Office and Inspector General's Office.
  - Require law enforcement agencies to become accredited by the Division of Criminal Justice Services.
  - Clearly define the conduct results in permanent decertification, which will include corruption, fraud and dishonesty, use of excessive force, criminal activity such as sexual abuse, and abuse of power.
- Close Federal Loophole with Active Warrants on Purchasing Guns -- Governor Cuomo will propose legislation to amend the Penal Law to prohibit the purchase or acquisition of a rifle, shotgun, or firearm by any person who is subject to an active arrest warrant for a felony or serious misdemeanor offense.
- Sharing of Crime Gun Data – The elements of this plan includes legislation that will:
  - "Require all law enforcement agencies in New York State to share information on firearms and ballistic evidence with federal databases.
  - Require law enforcement agencies to submit identification data from all firearms recovered by law enforcement to the Bureau of Alcohol, Tobacco, Firearms, and Explosives' (ATF) crime gun trace data sharing program (eTrace).
  - Require agencies to collect and submit qualifying ballistics evidence to the National Integrated Ballistics Identification Network, which can assist local and State law enforcement agencies in matching and analyzing ballistic evidence found at crime scenes to ballistic data from across the state and nation."

## Election Reforms

- Advance legislation to require county boards of election to process absentee ballots as they are received and being counting and reporting those ballots on Election Day.
- No-excuse absentee voting for all New Yorkers.
- Allow voters to request absentee ballots 45-days prior to an election.
- Require count board of elections to review and absentee ballot applications within four days of receipt and more rapidly as Election Day nears.
- Expand early voting hours keeping polls open until 9 p.m. on weekends and three days during the week.

## Other Proposals

- Advance legislation to amend the NYS Human Rights Law to include "citizenship or immigration status" as protected class.
- Allow junior hunters ages 12-13 to hunt big game with a rifle or shotgun when under the supervision of a parent, guardian, or mentor.



#### IV. Bill Introductions

Since the start of session, 4,378 bills have been introduced as of this morning. Many of the perennial bills with respect to scope of practice, corporate practice and medical malpractice are expected to be re-introduced. We are carefully review the bill introductions and identifying the pertinent ones. Among the early bills introduced:

- S560 (Harckham) – Authorizes psychologists to prescribe.
- A1535 (Gottfried) – Amends the Nurse Practitioner Modernization Act ("NPMA") (Part D of Chapter 56 of the Laws of 2014) to eliminate the requirement nurse practitioners in practice for more than 3,600 hours maintain written practice agreement or collaborative arrangements and those under 3,600 hours would no longer have to file practice protocols with State Education Department.
- A272 (Steck) – **MENTAL HEALTH PRACTITIONERS IN PRIVATE PRACTICE: "DUTY TO PROTECT"** – Bill intends to authorize the breach of confidential patient information when a mental health practitioner in private practice is treating an individual and there is a threat of serious harm to self or other identifiable persons along with the means to act on the threat.
- A1869 (Fernandez)/S563 (Hoylman) – **MENTAL HEALTH ABSENCES** – Modeled off of a law enacted in Oregon in 2018, the bill amends State Education Law to allow a student to be absent from school for mental or behavioral health reasons pursuant to regulations promulgated by the Commissioner of Education.

Several of the bills are chapter amendments for laws signed in 2020 per an agreement with the Legislature. Among them:

- A1250 (Gunther)/S1301 (Brouk) – This is the agreed upon chapter amendment for last year's bill that would have established a Frontline Workers Trauma Informed Care Advisory Council. The chapter amendment directs OMH to establish a work group that already exists can augmented. The work group is tasked with preparing an interim report by March 1, 2021 and final report by December 1, 2021. The representation on the work group will include: the state conference of local mental hygiene directors, behavioral health advocacy organizations, health care provider organizations, employee organizations representing nurses and other frontline workers, human service providers, law enforcement agencies, and individuals with expertise in fields of discipline related to trauma informed care.
- A1941 (Walker)/S861 (Sepulveda) – This is the agreed upon chapter amendment to authorize the NYC Board of Correction to access medical and psychiatric records of deceased inmates, which is similar to the authorization provided to the New York State Commission of Correction.

#### V. Committee Assignments

In the Senate, there have been some changes in committee chairs given the newly-elected members and separation of the Mental Health and Developmental Disabilities Committee. Of interest:

- Senate Committee on Alcoholism & Substance Abuse – Sen. Pete Harckham (D-Westchester) – unchanged from 2020.
- Senate Committee on Insurance – Sen. Neil Breslin (D-Albany) – unchanged from 2020.
- Senate Committee on Higher Education – Sen. Toby Ann Stavisky (D-Queens) – remains unchanged from 2020.
- Sen. Committee on Health – Sen. Gustavo Rivera (D-Bronx)
- Sen. Committee on Mental Health & Developmental Disabilities – Senate Mental Health & Developmental Disabilities Committee will be split into two. Newly elected Senator John Mannion (D-Syracuse), who has a child with autism, will chair the Senate Developmental Disabilities Committee; and newly-elected Senator Samra Brouk (D-Rochester), who obtained a Bachelors in Psychology from Williams College and served in the Peace Corps as a health education specialist, will chair Senate Mental Health Committee.



In the Assembly, there have been some changes:

- Assembly Committee on Alcoholism & Drug Abuse – Asm. Phil Steck (D-Colonie)
- Assembly Committee on Codes – Asm. Jeffrey Dinowitz (D-Bronx)
- Assembly Committee on Mental Health – Asm. Aileen Gunther (D-Forestburgh)
- Assembly Committee on People with Disabilities – Asm. Thomas Abinanti (D- Greenburgh/Mt. Pleasant)
- Assembly Committee on Higher Education – Asm. Deborah Glick (D-Manhattan)
- Assembly Committee on Health – Asm. Richard Gottfried (D-Manhattan)
- Assembly Committee on Insurance – Asm. Kevin Cahill (D-Ulster)
- Assembly Committee on Social Services – Linda Rosenthal (D-Manhattan)
- Assembly Committee on Children & Families – Andrew Hevesi (D-Queens)

#### **Resources**

State of State Book

2021 State of State Website: <https://www.governor.ny.gov/news>

Budget Briefing Book: <https://www.budget.ny.gov/pubs/archive/fy22/ex/book/briefingbook.pdf>