

**NYSPA EXECUTIVE COMMITTEE MEETING**  
**Conference Call**  
**June 16, 2020**

**9:00 P.M.**

- 1. May 19, 2020 Minutes**
- 2. Financial Report**
- 3. Dues Comparison**
- 4. Albany Report**
- 5. Possible NYSPA Position Statement on Policing and Mental Health**
- 6. Telehealth Survey Responses**
- 7. PRMS Sponsorship Proposal**
- 8. Fall NYSPA/Area Council Meeting**



# New York State Psychiatric Association, Inc.

Area II Council of the American Psychiatric Association  
400 Garden City Plaza, Garden City, New York 11530 • (516) 542-0077

## MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE

May 19, 2020

Meeting by Conference Call

### PRESENT:

JEFFREY A. BORENSTEIN, M.D., President  
EDWARD HERMAN, M.D., Vice President  
JOSE VITO, M.D., Secretary  
MARVIN KOSS, M.D., Treasurer  
JEFFREY FREEDMAN, M.D., Chair, Public Affairs  
GLENN MARTIN, M.D., Chair, Legislation  
JAMES NININGER, M.D., Chair, Membership  
RICHARD GALLO, M.D., Legislative Consultant  
JAMIE PAPAPETROS, Legislative Staff  
SETH P. STEIN, ESQ., Executive Director  
RACHEL FERNBACH, ESQ., Deputy Director  
DONNA GAJDA, Coordinator

Dr. Borenstein called the meeting to order. The following issues were discussed:

1. Minutes. The minutes for the February 25, 2020 Executive Committee meeting were reviewed and accepted.

2. Dues Comparison Statement. The Committee reviewed a dues comparison statement for the months October through May for the years 2010 through 2020. Mr. Stein reported that, even with the 2020 dues increase, there has been a substantial reduction in dues revenue for March and April, although this may be due to a temporary delay in dues payments. We will continue to monitor and consider contingency plans if the situation worsens.

3. Albany Report. In addition to the written Albany Report that was included in the meeting packet, Mr. Gallo reported on the following:

Mr. Gallo reported that the Senate has indicated that they will hold a virtual session on May 26<sup>th</sup> and 27<sup>th</sup>, to address COVID-19 related measures. There are currently approximately 400 bills related to COVID-19.

Mr. Gallo reported on the financial plan released by New York's Division of the Budget in April.

Mr. Gallo gave a COVID-19 update based on the Governor's daily briefings and reported on counties that will begin reopening.

Mr. Gallo also reported that Governor Cuomo has been drawing attention to the mental health impact of COVID-19. OMH announced that they will begin a series of public service

announcements to raise awareness of the Emotional Support Helpline. Governor Cuomo has highlighted The Mental Health Coalition, an initiative launched by his brother-in-law, fashion designer Kenneth Cole. The Coalition focuses on removing the stigma surrounding mental health.

MSSNY has established a peer-to-peer help line specifically for physicians who are experiencing COVID-19 related stress. MSSNY will be hosting a webinar on May 20, 2020 on Mental Health and COVID-19 for health professionals conducted by Craig Katz, MD.

Mr. Gallo reported on the OMH proposed rule regarding changes to clinic treatment plans.

Mr. Gallo updated the Committee on NYSPA's Veterans Mental Health-Primary Care Training Initiative. Mr. Gallo stated that webinar recordings of the PTSD and Suicide presentations are being finalized and will soon be uploaded to the NYSPA website. In addition, VMH-PCTI presentations covering women's issues and military culture have been finalized and details are being worked out for train-the-trainer sessions for these new tracks.

Mr. Gallo noted that a page of COVID-19 resources and links was included with the written Albany report.

4. New Business. Mr. Stein reported that NYSPA will be sending out a member survey to get a read on the impact of COVID-19 on psychiatrists. Mr. Stein invited Committee members to review the copy of the draft survey included in the packet and to send any suggestions for additional questions to the NYSPA office.

Dr. Borenstein reported that he received an e-mail from Dr. Benson praising Dr. Vito for the excellent job he does serving on the PAC Board and stating that he would like to add another New York member to the Board. Dr. Borenstein asked the Committee to send suggestions to him.

The Committee discussed whether to hold the Fall NYSPA/Area Council meeting virtually. The Committee will discuss this further at the June Executive Committee Meeting.

There being no further business, the meeting was adjourned.

**New York State Psychiatric Association  
Financial Statement**

	<b>Restricted Jan-May, 2020</b>	<b>Unrestricted Jan-May, 2020</b>	<b>Restricted Jan-May, 2019</b>	<b>Unrestricted Jan-May, 2019</b>	<b>Restricted Jan-May, 2018</b>	<b>Unrestricted Jan-May, 2018</b>
<b>Opening Fund Balance</b>	<b>233,536.05</b>	<b>166,005.56</b>	<b>208,075.24</b>	<b>218,664.58</b>	<b>231,282.24</b>	<b>228,729.84</b>
<b>Income</b>						
Dues						
Prior Years				510.02		
Immediate Prior Year		4,031.31		6,381.50		6,867.50
Current Year		212,043.19		233,005.41		271,053.01
Following Year		210.00		210.00		
<b>Total Dues</b>		<b>216,284.50</b>		<b>240,106.93</b>		<b>277,920.51</b>
Veterans Grant Income			151,734.24			
APA Meeting Block Grant		30,650.00		30,650.00		30,650.00
APA Innovative Grant						
APA, Inc. Meeting Grant						3,525.00
DrFirst Income		10,000.00				
Webinar Income						500.00
Administrative Fees from Grant		2,277.38		1,511.90		2,456.93
Miscellaneous Income		100.00		300.00		725.33
Interest		25.66		65.42		50.64
<b>Total</b>	<b>0.00</b>	<b>259,337.54</b>	<b>151,734.24</b>	<b>272,634.25</b>	<b>0.00</b>	<b>315,828.41</b>
<b>Grant Expenses</b>						
Accounting/Audit						
Program Expenses	15,182.50		10,079.32		16,379.54	
Administrative Fees	2,277.38		1,511.90		2,456.93	
<b>Expenses</b>						
Advocacy Day Expenses				250.00		
Committees		300.00				
Officers/Delegates		60.00		343.61		402.04
Email Expenses		1,384.92		1,343.53		
Exec Dir/Legal/Central Office		125,000.00		129,166.65		127,083.30
Journal Ads				1,725.00		
Legislative		60,416.65		62,144.63		59,946.41
Meeting Expenses		8,600.00		15,568.99		15,731.75
RFM Poster Contest		450.00		523.36		488.19
Website		1,313.03		2,378.42		1,235.70
NY State Corporation Tax		250.00		250.00		
NYAM Joint Program Expense				1,000.00		
Miscellaneous		331.56		224.63		163.80
<b>Total Expenses</b>	<b>17,459.88</b>	<b>198,106.16</b>	<b>11,591.22</b>	<b>214,918.82</b>	<b>18,836.47</b>	<b>205,051.19</b>
<b>Surplus</b>	<b>-17,459.88</b>	<b>61,231.38</b>	<b>140,143.02</b>	<b>57,715.43</b>	<b>-18,836.47</b>	<b>110,777.22</b>
<b>Fund Balance</b>	<b>216,076.18</b>	<b>227,236.94</b>	<b>348,218.26</b>	<b>276,380.01</b>	<b>212,445.77</b>	<b>339,507.06</b>

Dues Income	October	November	December	End of Year Total	January	February	March	April	May	June	Total through June
2010-2011	14,605	91,371	44,838	150,815	69,101	43,637	17,573	22,804	13,425	13,964	331,318
2011-2012	15,190	83,220	41,693	140,103	70,981	58,092	18,316	26,312	21,251	15,879	350,934
2012-2013	14,636	74,259	38,841	127,736	72,562	53,114	23,731	19,667	15,814	17,535	330,160
2013-2014	11,924	75,397	41,955	129,275	85,030	37,253	25,768	20,778	28,660	16,736	343,501
2014-2015	21,960	67,357	41,233	130,550	69,710	43,560	24,278	21,128	19,226	14,999	323,452
2015-2016	21,045	73,868	41,805	136,718	104,297	61,695	37,427	29,820	14,948	10,787	395,690
2016-2017	16,326	72,458	39,113	127,896	102,690	49,052	35,665	30,305	16,072	13,405	375,085
2017-2018	6,625	26,321	62,881	95,828	133,834	47,679	39,420	36,657	20,330	12,651	386,399
2018-2019	11,452	39,282	52,916	103,650	103,593	56,409	49,093	28,055	16,732	7,778	365,310
2019-2020	6,294	55,190	46,407	107,891	114,895	49,093	25,940	17,032	9,325	20,394	344,570

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**ALBANY REPORT FOR EXECUTIVE COMMITTEE MEETING  
TUESDAY, JUNE 16, 2020**

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

Prepared by:  
Richard J. Gallo  
Jamie Papapetros

**I. Legislative Session**

Since our last Albany Report, the Legislature returned to session (virtually) twice. On the first occasion, the Legislature passed a package of legislation to address the COVID-19 pandemic. A detailed listing summarizing the COVID-19 related bills passed by the Legislature is enclosed along with this Albany Report. On the second occasion, the Legislature passed a package of police and criminal justice reform bills, including a law to allow for disclosure of law enforcement disciplinary records, prohibit chokeholds, prohibit false 911 calls, and codify an executive order to authorize the Attorney General to investigate the death of an unarmed individual by police. A detailed listing summarizing the police and criminal justice reform-related bills passed by the Legislature is also enclosed. In the Legislature's second return earlier this month, a number of local bills needed (known as home rule) were also passed.

**Session Statistics:** For those who keep track of such things: Since January 1, 2019, the start of the 2-year term of the Legislature through Tuesday, June 16, 2020, 16,282 bills were introduced. Since January 1, 2020 through June 16, 2020, the Senate passed 433 bills, while the Assembly passed 338 bills. Of the 193 bills that passed both houses this year: 102 have been signed into law, 3 have been vetoed, 21 are on Governor's desk for consideration, and 70 have not yet been delivered to the Governor. As a comparison, taking into account the same time period, 935 bills passed both houses in 2019 compared to 641 in 2018, 606 in 2017, 618 in 2016, 718 bills in 2015, 658 in 2014, and 650 in 2013. The number of bills that passed both houses to date currently in 2020 is a historic low owing to the disruption of the Legislative Session by COVID-19.

**II. FY20-21 Enacted State Budget: Status Update on Potential Cuts**

As we prepare this report, there is one matter that may cause the Legislature to return sooner rather than later – the State budget – as a \$13 billion deficit looms in the enacted budget. Governor Cuomo and the Legislature are anxiously waiting to see if President Trump and Congress come to terms on federal legislation that would provide aid to state and local governments. In the absence of additional federal aid, Governor Cuomo has stated on multiple occasions a 20% cut in aid to schools, hospitals, and local governments would be needed to balance the state budget.

On Medicaid, the Department of Health recently announced and published notice in the NYS Register on the implementation of 1.5% across the ate board cut to Medicaid payments effective for dates of services on or after April 2, 2020. The reduction applies for fee-for-service payments and Medicaid Managed Care plans will see a 1.5% reduction to premium rates effective April 2, 2020. Payments had already been reduced across the board by 1% from January 1 – March 31, 2020 which means this latest reduction is an additional 0.5%. The Medicaid Redesign Team had recommended a 1.875% reduction. Of importance and note, the announcement lists those payments that are exempted from the 1.5% reduction including payments whereby federal

law precludes such reduction as well as payments pursuant to Article 32, Article 31 and Article 16 of the Mental Hygiene Law. The listing of payments subject to the reduction:

<b>Category</b>	<b>Program or Service Area</b>
Inpatient Services	<ul style="list-style-type: none"> <li>• Hospital Inpatient Reimbursement;</li> <li>• Indigent Care Pool payments;</li> <li>• Graduate Medical Education payments for Medicaid Managed Care patients;</li> <li>• Hospital Disproportionate Share payments and Indigent Care Adjustments made to governmental hospitals operated by the State of New York or the State University of New York; and</li> <li>• Supplemental Medicaid payments and Hospital Disproportionate Share payments made to voluntary hospitals.</li> </ul>
Nursing Homes	<ul style="list-style-type: none"> <li>• In State Nursing Homes; and</li> <li>• Out of State Nursing Homes.</li> </ul>
Non-Institutional Long-Term Care Services	<ul style="list-style-type: none"> <li>• Assisted Living programs;</li> <li>• Home Health; and</li> <li>• Personal Care.</li> </ul>
Managed Care	<ul style="list-style-type: none"> <li>• Managed Long-Term Care; and</li> <li>• Managed Care (including HIV SNP).</li> </ul>
Other Services	<ul style="list-style-type: none"> <li>• Freestanding Clinics;</li> <li>• Hospital Based Outpatient;</li> <li>• Pharmacy;</li> <li>• Physicians both office-based and other places of service;</li> <li>• Dental, Eye, X-ray, etc.; and</li> <li>• Supplemental Payments.</li> </ul>

On Monday, June 15, 2020, NYS Comptroller Tom DiNapoli released the May cash report, which found State tax revenues were down \$767 million or 19.7% during the month. As stated in our May Albany Report, the enacted state budget for FY 2020-2021 gives Division of Budget authority to make reductions when the budget is deemed out of balance. The DOB powers are “activated if actual tax receipts are less than 99 percent of estimated tax receipts, or actual disbursements are more than 101 percent of estimated disbursements, as measured at three points during the year – April 1-April 30; May 1-June 30; and, July 1-December 31.” We will continue to monitor any developments and provide further updates.

### III. COVID-19 Updates

The latest developments from Governor Cuomo’s briefing:

- Hospitals will be allowed to accept visitors at their discretion. Hospitals must follow state guidelines, including time limited visits and requiring visitors to wear PPE and be subject to symptom and temperature checks.
- Beginning on Friday (June 19, 2020), group homes certified by OPWDD will be authorized to begin visitations. Group homes must notify the State and follow state guidelines including requiring visitors to wear masks and be subject to temperature checks.
- Visitors are still not permitted at nursing homes.
- Five regions have already entered Phase Three - Central New York, the Finger Lakes, the Mohawk Valley, the North Country, and the Southern Tier.
- Western NY entered Phase Three today (Tuesday, June 16).
- Capital District is expected to enter Phase Three Tomorrow (Wednesday, June 17).
- New Executive Order authorizing gatherings of up to 25 people will be allowed in Phase Three of reopening, up from the limit of 10.

### Top Line Numbers (as of 6/15)

3,051,778 tested as of 6/15/20 (60,568 tested on 6/15/20)

384,575 COVID-19 positive cases (631 new positives on 6/15 – 332 in NYC, 299 in counties excluding NYC)

- NYC – 210,591
- Rest of State – 173,984

1,538 Hospitalized (-70)

449 in ICU (-21)

303 intubated (-20)

87 discharged (Discharged to date: 68,938)

24,608 deaths (+25 on 6/15, 16 in hospitals, 9 in nursing homes)

#### IV. Efforts to Extend Telehealth Provisions Implemented During COVID-19 Public Health Emergency

NYSPA along with The National Association of Social Work – NYC Chapter, the NYS Clinical Society for Social Work, the and the NYS Psychological Association have drafted a joint letter urging Governor Cuomo to extend the expansion of authority for mental health providers to continue telehealth service delivery for patients with Medicaid and commercial insurance at least, period of twelve months after the last region of the state is fully operational. ***ACTION ITEM: We have enclosed the proposed letter for review and approval by the Executive Committee and determination of who will sign it from NYSPA.***

Simultaneously, MSSNY and the medical specialties have also agreed to advocate for an extension of the telehealth provisions authorized during COVID-19 and plan to prepare a joint letter and also pursue a conference call with the Department of Financial Services. MSSNY and the medical specialties plan to build momentum for an extension of the telehealth provisions through sustained electronic advocacy and virtual meetings with the members of the Legislature over the summer and fall. To start, NY Chapter of the American College of Physicians (NYACP) is also planning to have their members send a prepared letter to their Senators and Assemblymembers and is also coordinating several virtual legislative visits on Friday, June 19 attended by pertinent committee chairs of NYACP. NYACP will share the prepared letter with the other specialties for their use and adaptation.

Last week, MSSNY and the specialties held a brainstorming session to review some of the associated issues with telehealth that need further study and potential advocacy including the need for payment parity with face-to-face as well as health disparities.

We will provide further updates as they develop including efforts to mobilize NYSPA members on the issue.

#### V. Legislation of Note

- S.8216 (Metzger)/A.10404-A (Rosenthal) -- This legislation amends the definition of telehealth under the Public Health Law to include audio-only telephone or video-only communications and also permit coverage and reimbursement under New York's Medicaid Program contingent upon federal financial participation. This was among the COVID-19 bills passed by the Legislature. ***STATUS UPDATE: Bill is on Governor Cuomo's desk, who must act by June 17, 2020. NYSPA has submitted a letter in support (enclosed).***
- S.6601-B (Bailey)/A.8226-B (Fernandez) – Provides that when a person is under arrest or otherwise in custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a duty to provide attention to the medical and mental health needs of such person. This was among the police and criminal justice reforms bills passed by the Legislature. ***STATUS UPDATE: Governor Cuomo signed the bill into law on Monday, June 15, 2020 as Chapter 103 of the Laws of 2020.***
- A.10299 (Rosenthal)/NO SAME AS – The bill would decriminalize psilocybin, the active ingredient colloquially referred to as “magic mushrooms.” The sponsor's memo notes the FDA has designated the use of psilocybin as a “break-through therapy for treatment-resistant depression” and many cities had begun decriminalizing the use and possession of psilocybin. ***STATUS UPDATE: The bill was referred to the Assembly Health Committee.***
- A10629 (Gunther)/NO SAME AS – The will would establish the Frontline Workers Trauma Informed Care Advisory Council within the OMH, consisting of certain commissioners or designees and twenty-one members, to assure the trauma-related behavioral health needs of essential workers during COVID-19 are addressed. This is an effort championed by the Mental Health Association in NYS. The advisory committee would be tasked with preparing and issuing a report with recommendations to the Legislature by December 1, 2020. ***STATUS UPDATE: The bill was referred to the Assembly Health Committee.***



## VI. Status Update on Legislation Tracked

COVID-19 disrupted normal legislative activity and consideration of bills on the calendar as well as perennial bills. Of interest for NYSPA, here is listing of the bills that remained in committee in both houses and/or passed one House.

- **S.7758 (HARCKHAM); A.6132 (MCDONALD)** – Authorizes psychologists to prescribe. *STATUS: In Senate and Assembly Higher Education Committees.*
- **S.4848 (BRESLIN)/A.3830 (MCDONALD)** – The bill would authorize pharmacists to administer injectable medications for mental health and substance use disorders “...as prescribed or ordered by a licensed prescriber in this state and in accordance with regulations promulgated by the commissioner in consultation with the board of pharmacy.” *STATUS: Although it passed the Senate in 2019, the bill remains in Senate and Assembly Higher Education Committees.*
- **S.4967-A (SKOUFIS)/A.6389-A (PEOPLES-STOKES)** – The bill would amend State Education Law to authorize applied behavior analysts to provide applied behavioral analysis treatment to any individual (youth or adult) without a diagnosis of autism spectrum disorders or related disorders. *STATUS: In Senate and Assembly Higher Education Committees.*
- **S.6128 (SAVINO)/A.6377-A (PEOPLES-STOKES)** – Omnibus legislation that would authorize a number of non-physician health care professionals to form multidisciplinary partnerships, limited liability companies, and professional service corporations with physicians. *STATUS: The bill is the Senate Corporations, Authorities and Commissions Committee and the Assembly Higher Education Committee.*
- **S.2372 (CARLUCCI)/A.4847 (STECK)** – Duty to Protect for Mental Health Practitioners – *STATUS: The bills are in the Senate and Assembly Mental Health Committees.*
- **S.3947 (SAVINO)/A.2694 (PAULIN)** – Medical Aid in Dying – *STATUS: Bills are in Senate and Assembly Health Committees.*
- **S.6516 (BAILEY)/A.5475 (FERNANDEZ)** – Requires two qualified psychiatrists to be employed by each school district to perform and coordinate the provision of mental health services in the public schools. *STATUS: The bill is in the Senate and Assembly Education Committees.*
- **S.3462 (RIVERA)/A.2393 (GOTTFRIED)** – Physician Collective Negotiation – *STATUS: The bill is in the Senate Health Committee and Assembly Ways & Means Committee.*
- **S.3577-A (Rivera)/A.5248-A (Gottfried)** – New York Health Act (Single Payer Bill) – *STATUS: The bill is in the Senate and Assembly Health Committees.*
- **S.2599 (PARKER)/A.3439 (WALKER)** – Requires DOH to conduct study on drugs prescribed to school-age children with ADD and ADHD (calls for focus on harmful side effects). – *STATUS: The bill is in the Senate and Assembly Health Committees.*
- **S.5441 (SEPULVEDA)/A.1033 (GOTTFRIED)** – Use of Psychotropic Medications in Nursing Homes – *STATUS: Passed Assembly. The bill is in Senate Health Committee.*

## VII. DFS Draft Proposed Regulation: MH/SUD Parity Compliance Programs

DFS has posted draft regulation that is scheduled to be published later this month in the NYS Register for a 60-day public comment period requiring insurers and health plans subject to NYS Insurance Law Sections 3126, 3221 and 43030 to establish mental health and substance use disorder parity compliance programs with certain enumerated requirements. In summary, the proposed regulations require that such compliance programs establish corporate governance for parity compliance, identify discrepancies in coverage of services for the treatment of mental health conditions and substance use disorder, and ensure appropriate identification and remediation of improper practices. By December 31, 2021 and annually thereafter, each insurer shall electronically submit a written certification to the superintendent that the insurer satisfactorily meets the requirements of parity compliance program.

NYSPA submitted comments in general support with additional recommendations:

- Instead of annual certification, Department of Financial Services should establish instead an attestation to be completed as part of the annual SERFF rate and form submission process. This way, insurers would be required to attest up front that their products comply with the requirements of parity program rather than after the fact.
- Establish fines and penalties for non-compliance.
- Move up the effective date of compliance from December 21, 2020 – 18 months away.

### **VIII. 3-Hour CME Requirement on Pain Management – Attestation or Re-Attestation Now Due October 1**

As part of NY's I-STOP law, prescribers licensed in New York who have a DEA registration number to prescribe controlled substances, as well as medical residents who prescribe controlled substances under a facility DEA registration number, are required to complete at least three (3) hours of course work or training in pain management, palliative care, and addiction. The course work or training must be completed once every three years, and an attestation confirming completion made to the Department.

Due to the impact of Novel Coronavirus – COVID-19 in NYS, prescribers who were due to attest or re-attest between June 30, 2020 and September 30, 2020, now have until October 1, 2020 to complete the required coursework or training and attest or re-attest. For more information: [https://www.health.ny.gov/professionals/narcotic/mandatory\\_prescriber\\_education/](https://www.health.ny.gov/professionals/narcotic/mandatory_prescriber_education/)

### **IX. NYSPA VMH-PCTI Update**

NYSPA's VMH-PCTI continues to work. The latest edits to the webinar recordings of NYSPA's VMH-PCTI tracks on PTSD/TBI and veteran suicide and suicide prevention have been made and we are working to have them uploaded to the NYSPA website for individuals to view in compliance with the CME rules and procedures. We expect to have both webinar recordings uploaded to NYSPA website shortly and plan to send out a notice/advisory to the primary care specialty societies to alert their members.

In addition, NYSPA's VMH-PCTI presentation on military culture has been finalized and we are working with the developer of the presentation to schedule a time to record the presentation, which will be available on the NYSPA website. NYSPA's VMH-PCTI is also working to finalize the women veterans' issues PowerPoint and looking to schedule a train-the trainer session.

Richard Gallo and Marianne Goodman, M.D., Coordinator of VMH-PCTI Curriculum, continue to participate in the New York State Division of Veterans' Services Policy Academy: Governor's Challenge to Prevent Suicide Among Service Members, Veterans, and their Families. A contingent of those appointed to the policy academy will go to Washington DC in June for VA/SAMSHA's VA/SAMHSA Governor's Challenge to Prevent Suicide Among Service Members, Veterans, and their Families. Work with the Governor's challenge is ongoing and we have provided them with the PowerPoint presentations of NYSPA's presentation tracks on PTSD/TBI and veteran suicide and suicide prevention.

### **X. Other News of Interest**

A. "State Mental Health Office to offer virtual group therapy," *Rochester Business Journal*, June 12, 2020

OMH is launching COVID-19 Coping Circles, a free six-week support and resilience groups held virtually (by phone or video) with up to six individuals and a facilitator who is NYS-licensed independent mental health professionals (creative arts therapists, marriage and family therapists, mental health counselors, psychiatric nurses, psychiatric nurse practitioners, psychiatrists, psychoanalysts, psychologists, and social workers). The facilitators are drawn from the pool of mental health professionals who responded to Governor Cuomo's call for mental health professionals to assist New Yorkers. Out of the 14,000 who signed up to volunteer, 750+ met all of the required standards. More information is available at: [Ny.gov/copingcircles](http://ny.gov/copingcircles).

Article: <https://rbj.net/2020/06/11/state-mental-health-office-to-offer-virtual-group-therapy/>

B. "NY insurers, citing COVID-19 costs, seek double digit rate hikes in 2021. Check your plan" *Rochester Democrat & Chronicle*, June 8, 2020

Health insurers have submitted their 2021 premium rate requests to the Department of Financial Services, seeking an average rate increase of 11.7% in the individual market and 11.4% in the small business market. Department of Financial Services will now review the requests and announce a decision later this summer. In the past, DFS has lowered the rate hikes sought by insurers. *Democrat & Chronicle* notes, "Last year, for example, the insurers sought an average 9.2% rate increase, but the state cut it to an average of 6.8%."

NY Health Plan issued a statement on the proposed rate increases "reasonable and fair." Insurers maintain rate increases due COVID-19 expenses, rising health care costs and preparing for pent up medical demand as elective surgeries and procedures had been prohibited and residents sheltered in place. Citing *The Potential National Health Cost Impacts to Consumers*,

Employers and Insurers Due to the Coronavirus (COVID-19), HPA document states , “Potential COVID-19 costs for 2020 could range from about 2 percent to over 21 percent of premium if the full first-year costs of the epidemic had been priced into the premium.” Breakdown from DFS:

**INDIVIDUAL MARKET**

<b>Company Name</b>	<b>2021 Requested Rate Change</b>
CDPHP*	4.3%
Emblem (HIP)*	9.5%
Excellus*	1.5%
Fidelis (New York Quality Healthcare Corp)*	18.8%
Healthfirst Insurance Company, Inc.	1.8%
Healthfirst PHSP, Inc.*	2.4%
Healthnow New York*	-1.9%
HealthPlus HP, LLC (Formerly Empire)*	16.6%
IHBC*	-3.7%
MetroPlus*	9.6%
MVP Health Plan*	6.7%
Oscar*	19.1%
UnitedHealthcare of New York Inc*	13.8%
<b>Weighted Average</b>	<b>11.7%</b>

**SMALL GROUP MARKET**

<b>Company Name</b>	<b>2021 Requested Rate Change</b>
Aetna Life	19.6%
CDPHP*	7.4%
CDPHP UBI*	1.4%
Emblem (HIP)	20.9%
Empire Healthchoice Assurance*	16.1%
Excellus*	4.4%
Healthfirst Insurance Company, Inc.*	5.5%
Healthnow New York	5.4%
IHBC*	0.4%
MetroPlus*	11.5%
MVP Health Plan*	4.1%
MVP Health Services Corp.*	6.1%
Oscar	29.1%
Oxford Health Insurance Inc*	13.6%
UnitedHealthcare Ins Company of New York	10.9%
<b>Weighted Average</b>	<b>11.4%</b>

\* Indicates the Company offers products on the NY State of Health Marketplace

Link to Article: <https://www.democratandchronicle.com/story/news/politics/albany/2020/06/08/new-york-insurance-rates-citing-coronavirus-costs-see-big-hikes-2021/3172713001/>

Link to DFS: <https://myportal.dfs.ny.gov/web/prior-approval/summary-of-2021-requested-rate-actions>

Link to HPA Statement: <https://nyhpa.org/wp-content/uploads/2020/06/HPA-on-2021-rate-requests-6-5-2020.pdf>

Link to HPA Understanding the Impact of COVID-19 on Premium Rates: [https://nyhpa.org/wp-content/uploads/2020/05/nyhpa-corona\\_impacts-paper-1.pdf](https://nyhpa.org/wp-content/uploads/2020/05/nyhpa-corona_impacts-paper-1.pdf)

## XI. Status of Members in Senate & Assembly: Retirements & Upcoming Primary Elections

Ten of the 22 current members of the Senate Republican conference have announced they are not running for re-election, including: Senator Ken LaValle, Senator John Flanagan (current minority leader), Senator Elizabeth Little, Senator George Amedore, Senator James Seward, Senator Rich Funke, Senator Joseph Robach, Senator Chris Jacobs (running for Congress in 27<sup>th</sup> District), Senator Michael Ranzenhofer and Senator Joseph Griffo. On the Democratic side, Senator Velmanette Montgomery is not running for re-election while Senator David Carlucci is fighting in a crowded Democratic primary for a chance at filling the seat held by retiring U.S. Representative Nita Lowey.

While Senator John Flanagan (R), current Minority Leader, had announced he was not running for re-election, he announced today he would resign his position early on June 28, 2020 to take a position as Vice President of Regional Government Affairs for Northwell Health focusing on working with Suffolk County and federal officials.

On the Assembly side, 18 incumbents are not running for re-election:

Assemblymember	Party	Office	Reason (if known)
Anthony Palumbo	Republican	Assembly District 2	Running for Senate seat currently held by Senator LaValle who is retiring.
Andrew Garbarino	Republican	Assembly District 7	Running in the Republican primary for U.S. House District 2 against Asm. Michael LiPetri for seat currently held by retiring U.S. Rep. Peter King (R).
Michael LiPetri	Republican	Assembly District 9	Running in the Republican primary for U.S. House District 2 against Andrew Garbarino for seat currently held by retiring U.S. Rep. Peter King (R).
Anthony D'Urso	Democratic	Assembly District 16	Retiring
Tremaine S. Wright	Democratic	Assembly District 56	Running for Senate seat currently held by Velmanette Montgomery (D) who is retiring.
Nicole Malliotakis	Republican	Assembly District 64	Running for Congress in 11 <sup>th</sup> Congressional District against incumbent U.S. Rep. Max Rose (D)
Michael Blake	Democratic	Assembly District 79	Running in Democratic Primary for Congress in 15 <sup>th</sup> Congressional District for seat held by retiring U.S. Rep. Jose Serrano
Marcos Crespo	Democratic	Assembly District 85	No reason provided
David Buchwald	Democratic	Assembly District 93	Running in Democratic Primary for U.S. House District 17 for seat currently held by retiring U.S. Rep. Nita Lowey (D).
Dan Stec	Republican	Assembly District 114	Running for Senate seat currently held by Senator Little (R) who is retiring
Clifford Crouch	Republican	Assembly District 122	Retiring
Barbara Lifton	Democratic	Assembly District 125	Retiring
Gary Finch	Republican	Assembly District 126	Retiring
Brian Kolb	Republican	Assembly District 131	Retiring
Peter Lawrence	Republican	Assembly District 134	Retiring
David Gantt	Democratic	Assembly District 137	Retiring
Robin Schimminger	Democratic	Assembly District 140	Retiring
Sean Ryan	Democratic	Assembly District 149	Running for Senate seat currently held by Sen. Chris Jacobs who is running for Congress

Democratic Presidential, Congressional and State Legislative primaries are scheduled for Tuesday, June 23, 2020. Governor Cuomo issued an executive order requiring the Board of Elections to send all registered voters an absentee ballot application with postage paid for return to allow individuals to vote via absentee in the primary elections. As such, voters will have the

ability to vote in person or via absentee ballot. Of note from Governor Cuomo's office "Completed absentee ballots must be postmarked by Tuesday, June 23<sup>rd</sup> or delivered in person to the voter's County Board of Elections location before 9:00PM on Tuesday, June 23<sup>rd</sup>." Early voting is from June 13 to June 21. There are a number of hotly contested primary races for Congress, Senate and Assembly. In many of the primary elections, winning the primary is tantamount to winning the election. The pertinent committee chairs in the Senate and Assembly are not facing primary election challenges.

The elections are not likely to change the balance of power as Democrats hold 40 of 63 seats in the Senate and 104 (upwards of 107) of the 150 seats in the Assembly.

## COVID-19 Related Bills on Agenda of Senate and/or Assembly Committee (As of 6/16/20)

Bill No	Sponsor	Status	Summary
<b>Health-Related</b>			
A10394-A/ S8289-B	Lentol/ Salazar	See Below Delivered to Governor on 6/5/20	Requires residential health care facilities to submit an annual pandemic emergency plan to the commissioner of health; requires such plan to include a communication plan with families, plans to protect staff, residents and families against infection, and plans to preserve a resident's place at the facility if he or she is hospitalized.
A10404-A/ S8416	Rosenthal, L/ Metzger	See Below Delivered to Governor on 6/5/20	Includes audio-only and video-only telehealth and telemedicine services in those telehealth and telemedicine services eligible for reimbursement under Medicaid.
A10447-A/ S8362-A	Joyner/ Serrano	See Below Delivered to Governor on 6/5/20	Requires COVID-19 contact tracers be representative of the cultural and linguistic diversity of the communities in which they serve to the greatest extent possible; and providing for the repeal of such provisions upon the expiration thereof.
A10517/ S8245-A	Aubry/ Parker	See Below Signed into law – Chapter 99 of the Laws of 2020	Requires the department of health to conduct a study on the health impacts of COVID-19 on minorities in New York state, including identifying ways to reduce or eliminate racial and ethnic disparities that contributed to such disparities in COVID-19 infection, hospitalization, recovery and mortality rates. Report would be due to Governor and Legislature one year from enactment.
A10508-A/	Paulin/	See Below	Authorizes licensed pharmacists to administer a vaccine for COVID-19 approved by the United States Food and Drug Administration Center for Biologics Evaluation and Research vaccine product approval process. Bill would take effect no sooner than 90 days from approval of COVID-19 immunization by FDA's Biologics Evaluation and Research and Commissioner of Health and Education Department must jointly certify the administration of immunization is in best of interest of public health. Expires July 1, 2022.
S8182-A	Hoylman	Delivered to Governor on 6/5/20	
A10326-A/	Reyes	See Below	Prohibits health care employers from penalizing employees because of complaints of employer violations. Specifically, amends NYS Labor Law to create a new definition of "improper quality of workplace safety", where an employee is protected from employer retaliation if they report violations of this category to specified entities in the section; and, adds "news media outlet" and "social media forum available to the public at large" to the list of entities an employee may safely report violations of improper quality of patient care or workplace safety to, without threat of employer retaliation for the reporting.
S8397-A	Savino	Delivered to Governor on 6/5/20	
<b>Disaster Preparedness</b>			
A10509/	Rosenthal L/	See Below	Amends NYS Executive Law, to add OASAS Commissioner as a member of the Disaster Preparedness Commission, and ensure substance use disorder providers are part of any disaster management planning. (OMH Commissioner is already a member).
S8363	Harcckham	Delivered to Governor on 6/5/20	
<b>Consumer Protection</b>			
A10351-B/	Rozic/	See Below	Relates to the forbearance of residential mortgage payments; requires New York regulated banking organizations to make applications for forbearance for residential mortgages available to qualified mortgagors as a result of the COVID-19 pandemic and to grant such applications for a period of 180 days.
S8243-C	Kavanagh	Delivered to Governor on 6/5/20	
A10270/	Rozic	See Below	Update New York's price gouging laws to include essential medical supplies and services and other goods or services used to promote the health or welfare of the public.
S8189	Hoylman	Signed into law – Chapter 90 of the Laws of 2020	

A10290-B/ S8192-B	Dinowitz Hoylman	See Below Passed both Houses 5/27, Returned to Senate	Prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period
A10522/ S8419	Cymbrowitz/ Kavanagh	See Below Passed both Houses 5/28, Returned to Senate	Emergency Rent Relief Act of 2020: <ul style="list-style-type: none"> <li>• Provide rental assistance vouchers to landlords on behalf of tenants who experienced an increase in rent burden because of a loss of income as a result of the COVID-19 pandemic through Homes and Community Renewal.</li> <li>• The coverage period would be April 1 through July 31.</li> <li>• A tenant has a rent burden if their rent is more than 30% of the household income. Households would be eligible if they make up to 80% Area Median Income (AMI) prior to March 7 and at the time of application; have a rent burden both prior to March 7 and at the time of application, and they have lost income during the covered period.</li> <li>• The subsidy would be a voucher paid to the landlords for the gap between their pre-COVID rent burden and their new rent burden, up to 125% Fair Market Rent (FMR).</li> <li>• The spending cap is up to \$100,000,000 for this program.</li> </ul>
<b>Corporations</b>			
A7652-A/	Paulin/	See Below	Amends NYS Law to authorize a cemetery corporation may enter into a contract with a third party vendor to create and maintain a website for the purposes of the sale of any lot, plot or part thereof, or the sale of space in a public mausoleum, or the furnishing by or through the cemetery corporation of any service, merchandise, wares, goods or articles.
S8408	Comrie	Delivered to Governor on 6/5/20	
A10498-A/	Paulin/	See Below	Provides for the remote conduct of certain practices and procedures relating to board meetings utilizing electronic and/or audio-visual technologies for the duration of the state disaster emergency declared by Executive Order 200 that began on March 7, 2020.
S8412	Benjamin	Delivered to Governor on 6/5/20	
A10521/	Mosley/	See Below	Provides moratorium on utility termination of services during periods of pandemics and/or state of emergencies.
S8113-A	Parker	Delivered to Governor on 6/5/20	
<b>Crime/Corrections</b>			
A10386-A/	Weprin/	In Assembly Correction Committee	Amends NYS Correction Law to authorize DOCCS Commissioner during a state disaster emergency to release inmates into community supervision who meet one of the following criteria: (1) is in within two years of release date, has a stable living situation upon release and who is immunocompromised or has ability and does NOT pose an unreasonable public safety risk; (2) is pregnant woman who does not pose an unreasonable public safety risk and has stable living situation upon release; or, (3) is over 55 years old and completed more than half of prison term who does not pose an unreasonable safety risk and has stable living situation upon release.
S8244-A	Sepulveda	In Senate Codes Committee	
A10493/ S8414	Lentol/ Bailey	See Below Delivered to Governor on 6/5/20	Relates to conducting hearings on a felony complaint during a state disaster emergency; appearances of any party or witness may be by electronic means so long as the judge is able to hear and see the image of each witness and such appearance is comparable to such witness being present in the courtroom.
A10446-A/ S8415	Quart/ Bailey	See below Signed into law – Chapter 98 of the Laws of 2020	Amends NYS Penal Law To repeal prohibitions on wearing a mask or possessing gambling paraphernalia in public.

<b>Schools</b>					
A10189-A/ S7996-B	Ortiz/ Carlucci	See Below Delivered to Governor on 6/5/20			Provides that school districts are entitled to an apportionment of state aid for the closure of schools due in response to the novel coronavirus, even when no state of emergency has been declared.
A10465/ S8410	Ryan/ Mayer	See Below Delivered to Governor on 6/5/20			Relates to aid for library construction; provides that public libraries that received aid for projects commencing July 1, 2017 through July 1, 2019 that are unable to complete such projects due to the state disaster emergency declared pursuant to Executive Order No. 202, as amended, shall be provided an additional twelve months from the statutory project end date to complete such projects.
<b>Transportation</b>					
A10303-B/ S8119-C	Dinowitz/ Comrie	See Below Delivered to Governor on 6/5/20			Paratransit services within the state and city of New York during the coronavirus disease 2019 (COVID-19) pandemic. Among the provisions -- eligibility of all ADA paratransit-eligible customers, whose certification would otherwise expire between March 1, 2020 and July 31, 2020 shall be extended through at least August 31, 2020 by the relevant paratransit authority in New York State.
<b>Local Government/Taxes</b>					
A10409-A/ S8236-A A10438-A/ S8251-B A10294-A/ S8181-A	McDonald/ Gaughran Thiele/ Kaminsky Stirpe/ May	See Below Delivered to Governor on 6/5/20 See Below Delivered to Governor on 6/5/20 See Below Delivered to Governor on 6/5/20			Provides that local code enforcement officers may issue blanket orders extending the expiration date for all active building permits for a period of up to but not exceeding 120 days beyond the expiration date stated in the permit. Relates to determination of points for service award programs for volunteer firefighters and volunteer ambulance workers during a state disaster emergency. Provisions: <ul style="list-style-type: none"> <li>• Authorizes industrial development agencies (IDAs) to provide grants (no more than \$10,000) to small businesses or not-for-profits for the purposes of purchasing personal protective equipment (PPE) and other fixtures needed to help prevent the spread of COVID-19.</li> <li>• Authorize industrial development agencies to provide loans during public health state of emergency to affected small businesses and non-profits not to exceed \$25,000 with certain conditions.</li> </ul>
A10492/ S8417	Thiele/ Krueger	Passed Assembly 5/27, Passed Senate 5/28, Returned to Assembly  See Above			Provide financial and budgetary flexibility to local governments as they continue to operate and provide critical services during this difficult time and its aftermath, by: (1) extending the "rollover" period for bond anticipation notes issued in calendar years 2015 through 2021, inclusive; (2) authorizing local governments and school districts to spend or temporarily transfer moneys in reserve funds for COVID-19 pandemic-related expenses; and (3) permitting the repayment of inter-fund advances made for COVID-19 pandemic-related expenses by the end of the next succeeding fiscal year or later, rather than the end of the current fiscal year.
A10518/ S8413	Galef/ Benjamin	Third Reading  Third Reading			Provides that any local government, during the "COVID-19 covered period," may pass a local law or resolution to place a moratorium on all tax foreclosures and tax lien sales for a period of up to five years after the COVID-19 covered period. The local law must be passed during the COVID-19 covered period, and it must set a date certain upon which tax foreclosures and tax lien sales may resume.
A10252-A/ S8138-B	Stern Martinez	See Below  Passed Senate 5/27, Passed Assembly 5/28, Returned to Senate			Provides that any local government, at local option via passage of a local law or resolution, may defer or split up taxes that come due during the COVID-19 emergency period, for up to 120 days after their normal due date. Bill provides that counties will be held harmless if a local government opts to defer or split up its taxes.



A10241-A	Hyndman	See Below	Provides municipalities with blanket authorization to extend filing deadlines to July 15, 2020; provided they pass a local law.
S8122-B	Comrie	Signed into law – Chapter 92 of the Laws of 2020	
A9789-A/ S8400	Braunstein/ Benjamin	See Below Delivered to Governor on 6/5/20	Bill would provide New York City with flexibility to determine contributions to the rainy day fund as well as withdrawals from the fund, which would both be subject to the City's budget process.
A10519/ S8411	Weinstein/ Jackson	See Below Delivered to Governor on 6/5/20	Disallows, for purposes of the unincorporated business corporation tax, the general corporation tax, the city banking tax, and the city business corporation tax, certain amendments, with respect to taxable years beginning before January 1, 2021, made to the internal revenue code by sections 2303, 2304 and 2306 of public law 116-136.
A10520/ S8418	Braunstein/ Krueger	Third Reading Third Reading	Authorizing additional bonds of the New York city transitional finance authority related to the epidemic resulting from spread of the disease known as COVID-19. Specifically, Amends the Public Authorities Law to authorize the New York City Transitional Finance Authority to fund up to \$7 billion dollars to finance or refinance all costs or deficiencies related to the Covid-19 epidemic.
<b>Labor</b>			
A10348-A S8275-A	Rosenthal, L Martinez	See Below Signed into law – Chapter 97 of the Laws of 2020	Suspends the forfeiture of unemployment benefits imposed under a prior claim based upon a willful false statement or representation, during the COVID-19 state of emergency; requires penalties and refunds to be paid after the emergency ends.
<b>Frontline Public Heroes</b>			
A10528/ S8427	Abbate/ Gounardes	See Below Signed into law – Chapter 89 of the Laws of 2020	Establish a coronavirus disease 2019 (COVID-19) presumption for public employee death benefits where a member was required to physically report to work; did in fact physically report to work as of March first, two thousand twenty; contracted COVID-19.
<b>Elections</b>			
A10516-A/ S8130-D	Simotas/ Myrie	See Below Signed into law – Chapter 91 of the Laws of 2020	Allow qualified voters to request an absentee ballot by electronic mail, an electronic transmittal system or a web portal established by the state board of elections or city or county board of elections and dispenses with the requirement that absentee ballot requests be signed by the voter no matter what alternative method is used for the request.

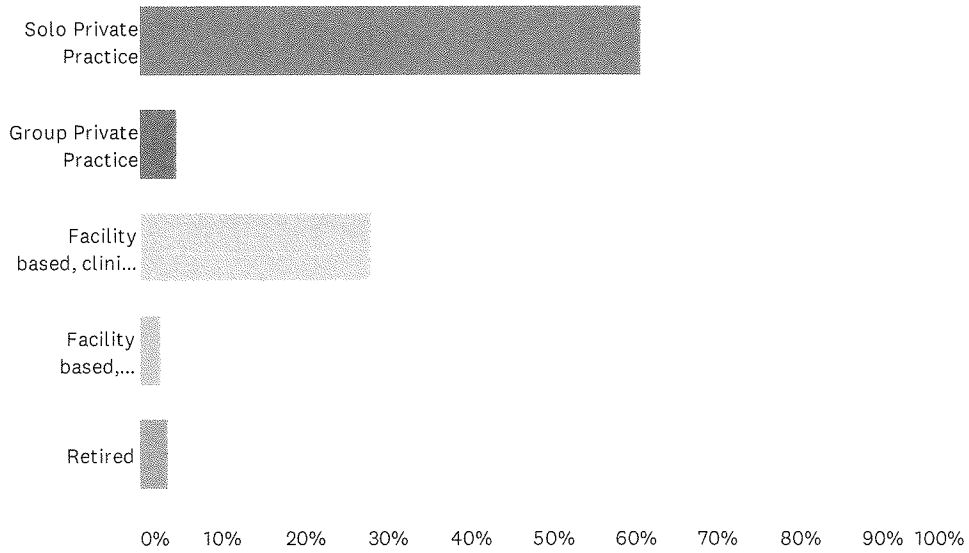
**Criminal Justice & Police Reforms**  
(As of 6/16/20)

Bill No	Sponsor	Status	Summary
A1360-A/ S3253-A	Perry/ Parker	See below Signed into law – Chapter 100 of Laws of 2020	Provides that a person not under arrest or in the custody of a law enforcement official has the right to record police activity and to maintain custody and control of that recording and of any property or instruments used by that person to record police activities, however, a person in custody or under arrest does not, by that status alone, forfeit such right to record.
A1531-B  S8492	Richardson  Parker	Signed into law – Chapter 93 of Laws of 2020  See Above	Establishes civil penalties for summoning a police officer or peace officer when there is no reason to believe a crime or offense, or imminent threat to person or property, is occurring.
A1601-C/ S2574-C	Perry/ Bailey	See Below  Signed into law – Chapter 95 of the Laws of 2020	Establishes the office of special investigation within the department of law to investigate and prosecute any alleged criminal offense or offenses committed by a police officer or peace officer, concerning the death of any person as a result of any encounter with such police officer or peace officer.
A6144-B  S6670-B	Mosley  Benjamin	Signed into law – Chapter 94 of the Laws of 2020  See Above	Eric Garner anti-chokehold act - Amends the penal law to provide that a person commits aggravated strangulation when he or she, being a police officer, commits the crime of criminal obstruction of breathing or blood circulation as defined in section 121.11 and causes serious physical injury or death to another person. This offense shall be a class C felony.
A8226-B/ S6601-B	Fernandez/ Bailey	See Below  Signed into law – Chapter 103 of the Laws of 2020	Provides that when a person is under arrest or otherwise in custody of a police officer, peace officer or other law enforcement representative or entity, such officer, representative or entity shall have a <i>duty to provide attention to the medical and mental health needs of such person.</i>
A8674-A/  S8493	Walker/  Parker	See below  Signed into law – Chapter 105 of the Laws of 2020	Requires the state police provide all officers with body cameras and establishes policies of how and when they are to be used.
A10608/  S2575-B	Perry/  Bailey	Signed into law – Chapter 101 of the Laws of 2020  See Above	Adds § 837-t to the executive law to require that any law enforcement officer or peace officer who discharges their weapon, while on or off duty, where a person could be struck by a bullet from the weapon is required to verbally report the incident to his or her supervisor within six hours and prepare and file a written report of within forty-eight hours of the incident.
A10609/  S1830-C	Lentol  Hoylman	Signed into law – Chapter 102 of the Laws of 2020  See Above	Expands the data that must be published online, updated on monthly basis and included in the annual report of Chief Administrator of the Court to the Legislature. The data that must be included:

			Aggregate number of misdemeanors/violations charged; The offense/violation charged; Race, ethnicity, age and sex of individual charged; Whether the individual was issued a summons or appearance ticket, was subject to custodial arrest, or whether an arraignment was held as a result of the misdemeanor/violation; Location where the alleged misdemeanor/violation occurred; Disposition of case; If the case is dismissed, why it was dismissed; and, Sentence imposed, including fines, fees, and surcharges.
A10611  S8496	O'Donnell  Bailey	See below  Signed into law – Chapter 96 of the Laws of 2020	Repeal Section 50-a of the civil rights law governing release of law enforcement disciplinary records. Bill provides for the disclosure of law enforcement disciplinary records, including: (a) complaints, allegations; (b) name of employee complained of or charged; (c) transcript of disciplinary trial or hearing; (d) disposition of any disciplinary proceeding; (e) final written opinion or memo supporting disposition and discipline imposed. Allows certain information to be redacted from record including medical history, home address and personal contact information, social security number; and, (f) disclosure of use of EAP program, mental health service or SUD assistance unless such use is mandated by law enforcement proceeding.
S8495/ NO SAME AS	Benjamin	Passed 62-0, Referred to Assembly Codes Committee	Prohibits law enforcement agencies and law enforcement officers from engaging in racial or ethnic profiling, requires every law enforcement agency to promulgate and adopt an antiracial profiling policy as well as procedures for reviewing complaints of racial or ethnic profiling, and authorizes the Attorney General to bring an action on behalf of the people against a law enforcement agency that has engaged in racial or ethnic profiling.

## Q1 What is your primary practice setting?

Answered: 220 Skipped: 0



**ANSWER CHOICES**

**RESPONSES**

Solo Private Practice	60.91%	134
Group Private Practice	4.55%	10
Facility based, clinic staff	28.18%	62
Facility based, administrative staff	2.73%	6
Retired	3.64%	8
<b>TOTAL</b>		<b>220</b>

**Q2 Enter the zip of code of your primary practice location.**

Answered: 212 Skipped: 8