

To: Clients and Friends
From: Manatt, Phelps & Phillips, LLP
Date: July 16, 2015
Subject: 2015 End of Session Legislative Wrap-Up

Introduction

The end of the 2015 legislative session marks the close of one of the most unusual legislative sessions in New York's history. During the course of the session, two of the three so-called "three men in the room" that exercise great influence over state legislative matters, Assembly Speaker Sheldon Silver and State Senate Majority Leader Dean Skelos, were indicted on federal corruption charges and soon thereafter replaced by Assemblyman Carl Heastie of the Bronx and Senator John Flanagan of Suffolk County, respectively—each of whom had to assume control of the reins of the two houses in the midst of the legislative session, and ultimately navigate through the always chaotic final weeks of the legislative session. Given the "tumult" (Governor Andrew Cuomo's favorite description of the unusual session) of this legislative session in Albany, it is impressive that a grand total of 718 pieces of legislation actually passed both houses in 2015—about 60 more bills than travelled that marathon in 2014 legislative session.

We have prepared, for your review and consideration, the following overview of many, but not all, of the bills that were passed in 2015, noting whether each bill has yet been signed or vetoed by the Governor. As always, please contact us if you have questions or need further details regarding any of the described legislation. The Albany office can be reached at 518-431-6700.

Aging Services

Licensure of Social Adult Day Cares (A.5352 Cymbrowitz / S.3923 Savino): This bill would require all organizations holding themselves out as social adult day care centers to abide by the rules and regulations promulgated by the State Office for the Aging. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Services Offered by Continuing Care Retirement Communities (Chapter 7 of the Laws of 2015; A.4490 Schimminger / S.5313 Hannon): This law creates an application and oversight process for continuing care retirement communities (CCRC) that wish to offer home care

July 16, 2015

Page 2

services, and requires that CCRC's who provide in-home services must also offer traditional CCRC services. This law was signed by the Governor on March 13, 2015 and took effect on April 15, 2015.

Long Term Care Ombudsman (A.7820 Cymbrowitz / S.5702 Serino): This bill would extend the authorization for the long term care ombudsman program until 2017. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Information on Aging Agency Programs (A.7791A Mayer / S.5892 Valesky): This bill would require the State Office for the Aging to create materials containing information on local aging agencies and NY Connects programs. The State Office for the Aging would be required to make these materials available on its website and distribute copies to hospital discharge coordinators, who would then have to distribute those materials to individuals sixty years of age and older who are discharged from the hospital. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Elder Abuse Public Education Campaign (A.7612A Cymbrowitz / S.5328A Serino): This bill would authorize the State Office for the Aging to conduct a public education campaign regarding the signs and symptoms of elder abuse, if funding is available. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Dementia and Alzheimer's Disease Program Database (A.5318 Cymbrowitz / S.3968 Serino): This bill would authorize the State Office for the Aging to create a database of programs that have been shown to successfully support and treat individuals with Alzheimer's disease or other dementias. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect one year after it becomes a law.

Corrections

Services for Inmates (Chapter 5 of the Laws of 2015; A.858 Kavanagh / S.1315 Parker): This law provides chapter amendments to Chapter 506 of the Laws of 2014, which requires that correctional facilities must, where appropriate, provide transitional services for inmates being released into the community. Due to concerns regarding funding, the chapter amendments state that correctional facilities do not need to make referrals for transitional services and removes the requirement that available lists of transitional services be updated on an annual basis. This bill was delivered to the Governor on March 13, 2015, and took effect on December 17, 2014, the same date as Chapter 506 of the Laws of 2014.

Training of Staff in Residential Mental Health Treatment Units (A.836 Gunther / S.633 Carlucci): This bill would extend existing training requirements for correctional facility staff to

July 16, 2015

Page 3

require that a minimum of eight hours of mental health training annually be provided for all correctional officers, program services, mental health and medical staff with direct inmate contact, including training in suicide prevention. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Government Reform

Port Authority of New York and New Jersey (Chapter 12 of the Laws of 2015; A.2737 Paulin / S.1698-A Ranzenhofer): This law clarifies that the Port Authority is subject to the Freedom of Information Law and the Personal Privacy Protection Act. This law was signed by the Governor on March 13, 2015, and took effect on June 26, 2015, the date the State of New Jersey enacted a similar requirement applicable to the Port Authority.

Change in Primary Date (Chapter 16 of the Laws of 2015; A.7014 Simanowitz / S.4843 Felder): This law changes the 2015 Fall primary date from Tuesday, September 15th to Thursday, September 10th in order to avoid a conflict with the Jewish holiday of Rosh Hashanah. This law was signed by the Governor on May 14, 2015, and took effect on that date.

Port Authority of New York and New Jersey (A.7413 Brennan / S.3353-B Ranzenhofer): This bill would consolidate the existing provisions of law related to the NJ/NY Port Authority into a single, new chapter 40-A. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on the same date that a similar bill is enacted by the State of New Jersey.

Attorney Fees for Unreasonable Denials of FOIL Requests (A.1438-B Paulin / S.533-B Gallivan): This bill would provide that in cases where a party is denied access to agency records pursuant to the Freedom of Information Law, the court shall assess reasonable attorneys' fees and other litigation costs against the agency when such party has substantially prevailed in its claim and the agency had no reasonable basis for denying access to the documents. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Procurement Procedures (A.7513-C Peoples-Stokes / S.5713-B DeFrancisco): This Office of State Comptroller Program bill would make several changes affecting the State procurement process related to vendor responsibility determinations, "best and final" offers, thresholds for bonds, "piggyback" and centralized contracts, and other clarifications. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Non-Profit Employee as Board Director Prohibition Extender (A.7641 Brennan / S.5738 Ranzenhofer): This bill would extend the compliance date by one year – from January 1, 2016 to January 1, 2017 - for implementation of the prohibition on employees of non-profits serving as

July 16, 2015

Page 4

the Chair on the non-profit's board of directors. The prohibition was enacted as part of the Not-For-Profit Revitalization Act of 2013, but the Legislature indicated that it required additional time to understand the implications of the prohibition upon non-profits' operations. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Election of Delegates for Presidential Primary (A.8310 Cusick / S.5958 Funke) and (A.8311 Cusick / S.6002 Funke): These bills would schedule the presidential primary election for April 19, 2016, provide for the political parties' statutory options for the election of delegates and alternate delegates to their respective national party conventions, and ensure the State's compliance with the federal MOVE Act, which requires that ballots be transmitted to overseas and military voters at least forty-five days before such election. These bills have passed both houses, but have not yet been sent to the Governor. These bills would take effect immediately and shall be deemed to have been in effect on and after July 1, 2015, and certain provisions will take effect on December 15, 2015, and these bills shall expire on December 31, 2016.

Transparency and Reform of Industrial Development Agencies (A.7915 Magnarelli / S.5867 Marchione): This bill would require IDAs to develop: (i) a standard application form, which shall be used by the agency to accept requests for financial assistance; (ii) uniform criteria for the evaluation and selection for each category of projects; and (iii) a uniform agency project agreement that sets forth terms and conditions under which financial assistance shall be provided. This bill would further require IDAs to develop policies for the suspension, discontinuance and return of financial assistance and to at least annually assess the progress of each project for which bonds or notes remain outstanding or straight-lease transactions have not terminated, or which continue to receive financial assistance or are otherwise active. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect one hundred and eighty days after becoming a law.

Contract Debriefing Process (A.2029-D Hevesi / S.3450-C Funke): This bill would clarify in statute the ability of losing bidders to request and receive a debriefing from the procuring agency either in-person or by videoconference. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Higher Education

Reporting of Crimes on College and University Campuses (A.873 Braunstein / S.1316 Marchione): This bill would amend the Campus Safety Act of 2014 by requiring colleges and universities to inform victims of sexual assault of their rights under the federal Campus Sexual Assault Victim's Bill of Rights. The law currently states that colleges and universities only have to take this into consideration when developing their own policies. This bill has passed both

July 16, 2015

Page 5

houses, but has not yet been sent to the Governor. This bill would take effect on December 17, 2014, the same date as Chapter 486 of the Laws of 2014 took effect.

STEM Grants for Women and Minorities (A.968 Rosenthal / S.1960 Robach): This bill would provide grants to school districts, charter schools, or boards of cooperative educational services for the development or enhancement of programs that would provide opportunities to women and minorities intending to pursue careers in a STEM field. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Interstate Reciprocity Agreements for Distance Education Programs (A.8240 Glick / S.5607-A LaValle): This bill would authorize the State Education Department to enter into an interstate reciprocity agreement that would allow post-secondary institutions of higher education to offer distance education programs to member states without the need to satisfy additional state-specific requirements, accreditations, and fees. This bill would also allow the Department to collect any fees necessary to reimburse costs incurred by the Department entering into a reciprocity agreement. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Sexual Assault on College Campuses (Chapter 76 of the Laws of 2015; A.8244 Glick / S.5965 LaValle): This law requires all institutions of higher education in New York State to implement uniform campus sexual assault policies that inform their response to sexual assault, domestic violence, dating violence, and stalking on campus. The uniform policy must contain a student's bill of rights, adopt a definition of affirmative consent, develop mechanisms for informing students of their legal rights, and procedures for interfacing with local law enforcement, among other provisions. This law was signed by the Governor on July 7, 2015 and took effect immediately, provided that certain provisions shall take effect on October 5, 2015 and other provisions shall take effect on July 7, 2016.

Instructional Materials for Students with Disabilities (A.8030 Cusick / S.5604 Lanza): This bill would extend the requirement that manufacturers of educational materials provide students with disabilities with accessible versions of their materials at a price that is comparable to printed versions. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Insurance Policies and Institutions of Higher Education (A.7725-C Stirpe / S.5925 Seward): This bill would exempt insurance companies who provide colleges and universities with 'excepted benefit' policies, such as vision, dental, or intercollegiate sports injury coverage, from providing the "essential benefits" required by the Affordable Care Act. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on March 28, 2013, the same date as section 41 part D of Chapter 56 of the Laws of 2013 took effect.

July 16, 2015

Page 6

Reimbursements to State University Healthcare Facilities (A.7252-B Magnarelli / S.4404-B DeFrancisco): This bill would provide the State Comptroller with the ability to use funds within the revenue arrearage account to offset debts held by state university healthcare facilities for back tuition, fees, and hospital charges. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after it becomes law.

Human Rights

Unlawful Discrimination (A.5360 Galef / S.2 Valesky): This bill would make the current provisions of the Human Rights Law applicable to all employers regardless of size. Currently, employers with fewer than four employees are not subject to the law. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Trafficking Victims and Justice Act (A.506 Paulin / S.7 Lanza): This bill would strengthen penalties associated with human trafficking and enhance protections for victims of human trafficking. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Domestic Violence Discrimination (A.6354-B Peoples-Stokes / S.5 Robach): This bill would ensure that victims of domestic violence are able to find safe, stable housing by preventing landlords from evicting or refusing to rent to an individual who has been the victim of domestic violence. It would also provide victims of discrimination with a statutory cause of action in which to legally challenge such acts. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Discrimination Based on Familial Status (A.7317 Russell / S.4 Little): This bill would prohibit employers from discriminating against or denying women employment or promotions due to their familial status. This bill would take effect ninety days after becoming a law.

Interagency Task Force on Human Trafficking (A.551 Hevesi / S.4763 Funke): This bill would resurrect the task force on human trafficking by reconfiguring the membership of the task force and providing it with specific goals and deliverables. The taskforce would be charged with enhancing protections afforded victims of human trafficking and impeding the practice of human trafficking within New York. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Accommodations for Pregnant Women (A.4272 Gunther / S.8 Hannon): This bill would require employers to make reasonable accommodations for employees with pregnancy-related

July 16, 2015
Page 7

labor limitations. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Housing

Rent Control (Chapter 19 of the Laws of 2015; A.8299 Wright / S.5997 Rules and Chapter 20 of the Laws of 2015; A.8323 Heastie / S.6012 Flanagan): These laws extend the State rent regulation system for four years, to June 15, 2019, extend the J-51 tax abatement program through June 15, 2019, and makes provisions retroactive to June 15, 2015. These laws also make considerable, but conditional, changes to the 421-a real estate tax abatement to include affordable housing requirements sought by Mayor Bill de Blasio. These laws were signed by the Governor on June 18, 2015, and took effect on that date.

Insurance

Certificates of Insurance (Chapter 8 of the Laws of 2015, A.4616 Morelle / S.3681 Seward): This law amends Chapter 552 of the Laws of 2014 to clarify that false or misleading modifications of insurance certificates are subject to enhanced penalties, identify the kinds of insurance certificates that must be approved by the Department of Financial Services, and extend the effective date of Chapter 552 from ninety to one hundred and eighty days after it became effective. This law was signed by the Governor on March 13, 2015 and took effect immediately.

Blanket Accident Policies (A.1153 Cahill / S.1716-B Seward): This bill would expand the eligible groups that could be covered by blanket group accident and health insurance to include first aid and civil defense groups, sports teams or camp operators, religious, charitable, recreational, educational or civic organizations, entertainment, theater, arts or event production companies, or any other risk or class of risks approved as eligible by the Superintendent of the Department of Financial Services. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Enrollment in Child Health Insurance Plan (A.7155-B Gottfried / S.4745-B Funke): This bill would allow families who sign-up for Child Health Plus prior to or within sixty days of their child's birth to have retroactive coverage that takes effect the day of birth. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect January 1, 2016.

Pregnancy and Health Insurance Coverage (A.6780-B Simotas / S.5972 Seward): This bill would allow pregnant women to enroll in a health plan on the State's Affordable Care Act-authorized health insurance exchange (the New York State of Health) at any time, rather than

July 16, 2015

Page 8

just during the otherwise applicable open enrollment period. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect January 1, 2016.

Interim Assessments (Chapter 65 of the Laws of 2015; A.8259 Morelle / S.5979 Rules): This law clarifies that assessments made on the members of defaulted group self-insurers within one hundred and twenty days of default are interim assessments and clarifies that the assessments shall be based on the value of future assessments on members as they are known at the time of the interim assessment. The legislation was enacted in response to a recent State Supreme Court decision (*Matter of Riccelli Enters., Inc. et al v. State of New York Workers' Comp. Bd*, Onondaga Sup. Ct., May 5, 2015), which could have resulted in significant increases in assessments on self-insured workers compensation groups. This law was signed by the Governor on July 2, 2015 and took effect on that date.

Labor

Protections for Nail Salon Workers (A.7630-A Kim / S.5966 Venditto): This bill would require trainee nail salon workers to obtain registrations from the Department of State and to otherwise be subject to training and oversight in order to avoid work rule abuses. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

State Boards Disclosure Requirement (A.1163 Paulin / S.1622 Marcellino): This bill would authorize the Department of State to maintain, on its website, a compilation of the membership and meeting information of all state boards (i.e., any state board, commission, committee, council, task force or any similar state public organization established pursuant to statute or executive order), any enacting law provisions, contact information, and meeting locations. Such boards shall be required to provide the relevant information to the Department of State annually. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on April 1, 2016.

Wage Payment Violations Technical Amendment (Chapter 2 of the Laws of 2015; A.1267 Lupardo / S.1319 Savino): This law made technical corrections related to penalties pursuant to the Wage Theft Prevention Act, which was amended in 2014. This law was signed by the Governor on February 23, 2015, and took effect on that date.

Programs to Prevent Workplace Violence (A.7721 Peoples-Stokes / S.5130 Martins): This bill would require certain not-for-profit corporations to develop and implement workplace violence prevention programs to enhance workplace safety. For purposes of this bill, not-for-profit corporations would be defined to include those which receive at least fifty percent of their budgets through municipal, state, or federal government sources (including Medicaid or

July 16, 2015

Page 9

Medicare) during the preceding fiscal year. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect one year after becoming a law.

Differential Pay Based on Sex (A.6075 Titus / S.1 Savino): This bill would replace the current "any other factor other than sex" exception to the differential pay prohibition with an exception that requires that the differential in rate of pay be based on a *bona fide* factor other than sex, such as education, training, or experience. This bill would also provide for liquidated damages of up to three hundred percent of the total amount of wages found to be due for a willful violation of this provision. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Fees Charged by Employment Agencies (A.1269 O'Donnell / S.1317 Lanza): This bill, a chapter amendment, would clarify and correct Chapter 501 of the Laws of 2014 by providing that: (i) an employment agency may not charge or collect a fee for employment services if such agency was not licensed at the time such services were rendered; (ii) a court shall void an agreement or contract with an employment agency that did not have a license at the time the contract was entered into or services were rendered; and, (iii) such contract shall not be void if the employment agency is found to have acted in good faith to maintain its license despite a clerical error or delay by the Department of Labor or the New York City Department of Consumer Affairs. This bill has passed both houses, but has not yet been sent to the Governor. This bill would be deemed to have been in effect on December 17, 2014, the same date Chapter 501 became effective.

Green Building Credits (A.6420-A Otis / S.3945-A Avella): This bill would allow homeowners who have homes certified as Leadership in Energy & Environmental Design (LEED) or National Association of Home Builders (NAHB) to receive green buildings tax credits, provided that each credit shall not exceed \$10,000 a year and may only be claimed by an individual taxpayer once every 10 years. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately and apply to tax year 2016.

Scaffolding Permit Renewals (A.2409 Rodriguez / S.5369 Perkins): This bill would provide that the New York City Department of Buildings shall not renew any scaffolding permit issued for a construction projects at New York City Housing Authority public housing unless it is determined that such scaffolding is being used as part of an ongoing construction project. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect thirty days after becoming law.

Retention of Payments on Construction Projects (A.796 Braunstein / S.2931 Libous): This bill would provide that any payment due and owing to a material supplier for materials which have been delivered, accepted and are covered by a manufacturer's warranty, and/or graded to

July 16, 2015
Page 10

meet industry standards shall be paid, and not retained, by an owner, contractor or subcontractor. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect thirty days after becoming a law.

Mental Hygiene

Transitional Care (A.866A Jaffee / S.1696 Bonacic): This bill would amend Chapter 478 of the Laws of 2014, which addressed the due process rights of persons with developmental disabilities who were aging out of residential facilities that provide services for children. This bill makes a series of changes to the prior law to ensure the efficient and expeditious transition of individuals to appropriate facilities, primarily modifying notice requirements, while preserving most of the due process protections contained in current law. This bill has passed both houses, but has not yet been sent to the Governor. This bill would be deemed to have been in effect on November 21, 2014, the same date Chapter 478 became effective.

Oversight of DISCOS (A.7200 Gunther / S.3638-A Ortt): This bill would require that proposed managed care entities for the developmentally disabled that lack the experience in providing services to such persons must contract with a not for profit entity that has experience in providing residential, day and employment services for that population. A similar bill was vetoed last year by Governor Cuomo, which would have further limited the affiliated organization to New York State entities, which has not been included in this year's version of the legislation. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Continuity of Care and Developmental Disabilities (A.7332 Lupardo / S.4094 Libous): This bill would allow individuals with developmental disabilities who are currently receiving state-operated institutional services the choice of transitioning into community settings that are also state-operated, and would allow them to remain in their state-operated institutional placement until a state-operated community placement was available. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Expedited Utilization Review of Court-ordered Services (A.1327-A Cahill / S.4922-A Hannon): This bill would require utilization review within seventy-two hours for court-ordered services involving proposed mental health and/or substance use disorder treatment. This bill is intended to avoid the prospect of court-ordered treatment conflicting with the utilization review determination by the health plan. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect April 1, 2016 and shall apply to policies issued, renewed, or modified on and after such date.

July 16, 2015

Page 11

NY ABLE Savings Account Act (A.7767-B Gunther / S.4472-D Carlucci): This bill would allow individuals with disabilities to establish savings accounts for qualified health care and living expenses. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on April 1, 2016.

Federal Individuals with Disabilities Education Improvement Act of 2004 (Chapter 35 of the Laws of 2015; A.7677 Ryan / S.5150 Flanagan): This law extends the provisions of the individuals with disabilities education improvement act, which was set to expire, until 2018. The Governor signed this bill on June 30, 2015 and it took effect on that date.

EQUAL Program (A.7502 Gottfried / S.5346 Hannon): This bill would allow for EQUAL funds to reimburse previously incurred expenses. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Reimbursement to Residential Facilities (A.7327-A Gunther / S.4974-A Ortt): This bill would restore the 2% across-the-board rate cut to Article 16 clinics. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Exemptions for Assisted Outpatient Treatment (A.6529 Gunther / S.5260 Bonacic): This bill would allow a psychiatrist to examine a person ordered to obtain assisted outpatient treatment or to testify in court during a hearing (Kendra's law) in counties with a population of less than 80,000. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Developmental Disabilities Advisory Council (A.7053-A Gunther / S.5060-A Ortt): This bill would require the Office for People with Development Disabilities and the Developmental Disabilities Advisory Council to provide recommendations on issues affecting individuals with disabilities, including but not limited to regional housing needs; employment opportunities available; self-directed models of care; and the progress of movement from institutional setting to community-based setting. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on April 1, 2016.

Mental Illness Anti-Stigma Fund (A.833-A Gunther / S.632-A Carlucci): This bill would allow for contributions to a mental illness anti-stigma fund via the personal income tax return. The funds collected could be used by the State Office of Mental Health to support programs aimed at eliminating the stigma attached to mental illness. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Missing Children with Developmental Disabilities (A.3404 Titone / S.5932 Savino): This bill would require by the Commissioner of the Division of Criminal Justice Services to conduct a

July 16, 2015

Page 12

review of information technology systems used for locating missing children and to make recommendations on the creation of a statewide locator system. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Assault of Direct Care Workers (A.1034-A Gunther / S.3621-A Funke): This bill would classify an assault on a direct patient care worker in a health care setting as an assault in the second degree. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on the first November following the date of enactment.

Gifts for Autism Research and Awareness (A.3533 Titone / S.4517 Lanza): This bill would allow for contributions to be made to autism awareness and research on the personal income tax return. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Clinical Records and Confidentiality (A.2143 O'Donnell / S.5680 Ortt): This bill would provide the Justice Center for the Protection of People with Special Needs with the authority necessary to receive clinical medical records from the Office for People with Developmental Disabilities and Office for of Mental Health. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Public Health

Safe Disposal of Controlled Substances (A.6062 Gunther / S. 3687 Hannon): This bill would amend the existing drug disposal program to allow pharmacies and other collectors authorized by the Drug Enforcement Administration (DEA)-to function as collection sites, provided they are authorized by the DEA and in compliance with federal laws and regulations. Currently, the only available sites are law enforcement agencies and not all counties have law enforcement agencies that participate in the program. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Erie County Medical Center Corporation (A.5254 Peoples-Stokes / S.2647 Ranzenhofer): This bill would clarify that the Erie County Medical Corporation may engage in various collaborative and contractual arrangements, even where such collaborations may be perceived as displacing competition, by providing antitrust immunity to the public authority. This bill has been opposed by the New York State Attorney General's office. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Home-based Primary Care Demonstration Project (A.7619 Morelle / S.5509 Robach): This bill would extend the demonstration program, first authorized in 2006, that allows nursing homes to provide a variety of community-based care, including home based physician, nurse

July 16, 2015
Page 13

practitioner, and physician assistant services to elderly patients. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Consumer Directed Personal Assistance Programs (A.7532-A Morelle / S.5712-A): This bill would permit family members to serve as compensated personal assistants for eligible individuals, with the exception of a person legally responsible for an eligible individual's care and support, an eligible individual's spouse, or a designated representative. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on April 1, 2016.

Fiscal Intermediaries for CDPAP (A.7535-B Gottfried / S.5565 Hannon): This bill would define fiscal intermediary services in relation to the consumer directed personal assistance program (CDPAP) and require that fiscal intermediaries be licensed by the Commissioner of Health. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on July 1, 2016.

Local Blood Drives (A.375 Gottfried / S.3804 Parker): This bill would allow the Commissioner of Health to award grants to support local blood donation drives held at local schools. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

CARE Act (A.1323-B / S.676-B Hannon): This bill would allow patients to identify a caregiver with whom a hospital could discuss the patient's plan of care prior to discharge from the facility, and would further require the hospital to educate the designated caregiver on the aftercare measures required for the patient. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Respiratory Disease and Obesity Management (A.6506-A Crespo / S.1528-A Klein): This bill would create an interdisciplinary effort to combat obesity. This would require multiple state agencies to develop new strategies to prevent obesity from infancy to adulthood and to safely increase physical activity among adults and children, especially for those who struggle with respiratory disease. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Substitution of Analgesic Opioid Drugs (A.7427-A Cusick / S.5170-A Hannon): This bill would prevent insurance plans from substituting abuse-deterrent drugs for less effective alternatives. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect one hundred and twenty days after becoming a law.

July 16, 2015
Page 14

Hospital Sepsis Data (A.7465 Gottfried / S.4874 Hannon): This bill would implement measures to ensure that reported hospital sepsis data is accurate, valid, and reliable. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Health Savings Account Pilot Program (A.7943 Cahill / S.5758 Seward): This bill would provide a two-year extension to the statute that allows HMOs to offer a group high deductible health plan in conjunction with a health reimbursement or savings account. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Mutual Aid Agreements for Coroners and Medical Examiners (A.1629 Magnarelli / S.3738A Marchione): This bill would authorize two or more counties to enter into agreements that allow them to share the services of their coroners and medical examiners as needed. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Delivery of Telehealth Services (Chapter 6 of the Laws of 2015; A.2552-A Russell / S.2405 Young): This bill provides chapter amendments to Chapter 550 of the Laws of 2014, which were requested in the Governor's approval memo. The amendments would provide greater clarity to the definition of telehealth and tele-services, while making it clear that insurers are not required to provide reimbursement for services that are not covered benefits. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Electronic Prescribing (Chapter 13 of the Laws of 2015; A.4274 McDonald / S.2486 Hannon): The law delays the mandate to use electronic prescriptions until March 27, 2016. This law was signed by the Governor on March 13, 2015, and took effect on that date.

Dentist Offices and Telehealth Services (A.7369 Russell / S.4182 Young): This bill would add dentist offices to the lists of eligible originating sites under the provisions of the telehealth statute. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on March 13, 2015, the same date as Chapter 6 of the Laws of 2015.

Contracts with Pharmacy Benefit Managers (A.676-C Rosenthal / S.3346-B Hannon): This bill would require pharmacy benefit managers to offer the pharmacies they contract with the right to appeal a reimbursement rate within thirty days following a claim submission. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after it becomes law.

Meningococcal Immunizations (A.791-C / S.4324-A Hannon): This bill would require students in public schools to be vaccinated against meningococcal meningitis when they enter

July 16, 2015
Page 15

the seventh and twelfth grades. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Decisions Regarding Hospice (A.2150 Gottfried / S.1153 Hannon): This bill would give a physician acting as a surrogate the right to elect hospice care for a hospice-eligible patient who is incapable of making medical decisions for themselves. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Hospice and Homecare Exemptions During Public Emergencies (A.5125-B Cusick / S.3482-B Lanza): This bill would require municipalities who are developing comprehensive emergency management plans to develop procedures for allowing homecare or hospice staff into restricted areas during declared disasters. This would allow homecare and hospice staff to continue serving their homebound patients, who would otherwise need to be transferred to a hospital or other healthcare facility. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Breastfeeding Bill of Rights (A.7202-A Gunther / S.5183 Hannon): This bill would establish that nursing mothers have the right to take unpaid breaks from work to pump breast milk for up to three years following childbirth, and that employers must make a reasonable effort to provide them with a private location to do so. This bill also states that employers may not discriminate based on an employee's choice to pump breast milk at work. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect on the first January following enactment of this bill.

Coverage of Prescriptions in Managed Care (A.7208 Gottfried / S.4893 Hannon): This bill would allow prescriber determinations to prevail for enrollees in managed care plans. While this bill purports to codify existing protections in Medicaid fee-for-service, this bill would remove the requirement for prescribers to provide medical justifications in order to override the substitution of a prescription drug. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect sixty days after it becomes law.

Expedited Access to Medical Marijuana (A.7060 Gottfried / S.5086 Griffo): This bill would allow the Department of Health to pursue an expedited process for approving applications from registered organizations interested in growing, manufacturing, and distributing medical marijuana; with the intent of providing access to medical marijuana for critically ill individuals who need immediate access. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect sixty days after it becomes law.

Consent to Make an Anatomical Gift (A.7431-A Ortiz / S.5101-A Hannon): This bill would require individuals filling out drivers' license applications or renewals either in-person at the

July 16, 2015
Page 16

New York State Department of Motor Vehicles or online at MyDMV.com to fill out the section regarding organ donation. If the section is not filled out, the application would not be processed until an affirmative choice is made. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Telehealth Providers (A.7488 Gottfried / S.5733 Young): This bill would include physical therapists and occupational therapists under the definition of eligible providers for the purposes of the telehealth statute. This bill has passed both houses, but has not yet been sent to the Governor. This bill would be deemed in effect as of January 1, 2015, the date Chapter 550 of the Laws of 2014 took effect.

Streamlined Applications for ACF and ALF (A.7681-A Gottfried / S.5540-A Murphy): This bill would allow affiliates of ACFs and ALFs to utilize the streamlined application process currently available to ACFs and ALFs. This would allow new facilities organized under different legal entities to be submit applications if they are affiliated with a current licensed operator. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Professions

Collaborative Drug Therapy Management (A.5805-A McDonald / S.4857-A LaValle): This bill would extend and modestly expand the existing collaborative drug therapy management program, which allows pharmacists to collaborate in the management of drug therapy with physicians, by allowing the practice to occur in all general hospitals and in skilled nursing facilities that operate their own pharmacies. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Professional Misconduct by Healthcare Professionals (Chapter 11 of the Laws of 2015; A.2554 Barrett / S.1693 Hannon): This law amends provisions enacted in 2014 to preclude charging physicians with professional misconduct for making recommendations or providing a treatment modality that is not universally accepted by the medical profession, including but not limited to varying modalities used in the treatment of Lyme disease or other tick-borne diseases. This law was signed by the Governor on March 13, 2015 and took effect on that date and applies to any professional discipline matter or administrative or judicial review thereof pending on or after that date.

Occupational Therapy Licensure (A.1798-A Gunther / S.1567-A LaValle): This bill would establish a definition for occupational therapy, a process and a series of requirements for the licensure of occupational therapy assistants, and would grant occupational therapy assistants representation on the Board of Occupational Therapy. This bill has passed both houses, but has

July 16, 2015
Page 17

not yet been sent to the Governor. This bill would take effect one hundred and eighty days after becoming a law.

Licensure of Orientation and Mobility Specialists and Vision Rehabilitation Therapists (A.5451-C Lupardo / S.4467-C Griffo): This bill would establish the profession of vision impairment specialist and provide for the licensing of low vision therapists, orientation and mobility specialists and vision rehabilitation therapists. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect eighteen months after becoming a law.

Tests for Tuberculosis (A.7034 Glick / S.103 Hoylman): This bill would allow registered nurses to administer tests to detect tuberculosis infections. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after it becomes law.

Confirming Nurse Practitioner Amendments (A.4140 Gottfried / S.2300 Hannon): This bill would amend the public health, education, general business, and vehicle and traffic law to be consistent with Part D of Chapter 56 of the Laws of 2014, which eliminated the need for nurse practitioners with over 3,600 hours of experience to have a written collaboration or practice agreement with a physician. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Immunizations by Pharmacists (A.123-B Paulin / S.4739 Hannon): This bill would authorize pharmacists to administer vaccinations for acute herpes zoster, tetanus, diphtheria, and pertussis pursuant to a non-patient specific order, and extend the authorizations for administering influenza and pneumococcal meningitis vaccines for three years. This bill would also allow pharmacists to administer vaccines to the patients of healthcare practitioners who offer services in an adjoining county. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Out of State Laboratory Practitioners (A.1202 Jaffee / S.14 LaValle): This bill would require out-of-state laboratory practitioners to meet the educational requirements set forth for clinical laboratory practitioners in New York State if the lab employing them accepts specimens from New York State. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect one hundred and eighty days after it becomes law.

Social Services

Child Care Assistance Notifications (A.870 Peoples-Stokes / S.1517 Felder): This bill would require timely notification to families in the event that changes were made to eligibility criteria

July 16, 2015

Page 18

for child care services or in the event a child care case were being closed by a social services district due to capacity constraints. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Backlog of Fair Hearings (A.7792 Hevesi / S.5515 Avella): This bill would further facilitate the resolution and administration of fair hearing cases in New York City. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

School Age Child Care Regulations (A.7750 Lupardo / S.5627 Felder): This bill would provide regulatory relief to school-based afterschool programs. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Spousal Maintenance and Child Support (A.7637 Seawright / S.5691 Bonacic): This bill would address certain statutory ambiguities with respect to spousal maintenance and child support. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Early Intervention Reporting (A.7554 Jaffee / S.5497 Serino): This bill would require the Commissioner of Health to expand current data collection from the early intervention program to include infants and toddlers. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Child Care Regulatory Review Task Force (A.7135 Gunther / S.5091 Ritchie): This bill would initiate steps to provide regulatory relief to child care providers. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Reports on Deaths of Children (A.872 Lupardo / S.1518 Felder): This bill would amend a 2014 law related to child fatality reporting to clarify the information to be included in such a report as well as the role and responsibility of the Office of Children and Family Services with respect to the law. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect ninety days after becoming a law.

Statewide Register for Child Abuse (A.5803 Fahy / S.3520-A Amedore): This bill would make special provisions for the release and review of records maintained by child protective services to law enforcement officials for the purposes of assisting an investigation of a missing child. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect sixty days after becoming a law.

Afterschool Programs and Tobacco Products (A.5917-A Pichardo / S.993-A Rivera): This bill would prohibit smoking within 100 feet of entrances, exits, and outdoor areas of afterschool

July 16, 2015
Page 19

programs. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect 30 days after becoming a law.

Efforts to Prevent Homelessness (A.3181-A Titus / S.4343-A Carlucci): This bill would require the Office of Temporary and Disability Assistance to prepare a report for the legislature on the efforts of local social services districts to address homelessness. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately and such report would be due within one year of this bill's enactment.

Applications for Child Care Assistance (A.4469 Barrett / S.5419 Serino): This bill would require the development of a simplified child care assistance application. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Early Learning Investment Commission (A.6629 Lupardo / S.4421 Avella): This bill would create an Early Learning Investment Commission to encourage new opportunities and private investment in early learning programming. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Interstate Compact for Juveniles (A.7972 O'Donnell / S.4906 Gallivan): This bill would extend the authorization for New York State to participate in the Interstate Compact for Juveniles, which provides uniform practices for the return of juvenile offenders who have left the state without authorization. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Guardianships and Protective Orders from Other States (A.7596 Weinstein / S.5482 Hannon): This bill would extend the authorization for New York State to participate in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which establishes uniform procedures for establishing jurisdiction in adult guardianship proceedings. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Tax Law

New York City Biotechnology Credit (A.6809 Weprin / S.4681 Golden): This bill would authorize New York City to extend its existing Biotechnology Credit from January 1, 2016 to December 31, 2018. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Tax Check-Off Funds (A.7419 Farrell / S.5492 Marcellino): This Office of State Comptroller Program bill would establish uniform requirements for all funds in which tax check-off monies

July 16, 2015
Page 20

are deposited and require annual reports relating to the use of such monies. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

Tax Abatement for New York City Properties (A.7936 Farrell / S.5088 Golden): This bill would extend the time for the Temporary Commercial Incentive Area Boundary Commission to meet to determine the boundaries of special commercial abatement areas by requiring the Commission to meet in 2015. If new special commercial abatement areas are not approved in 2015, then applications for special commercial abatement area benefits postmarked after December 31, 2015 would be deemed applications for regular area benefits. This bill has passed both houses, but has not yet been sent to the Governor. This bill would take effect immediately.

If you have any questions or comments, please do not hesitate to contact the Manatt Albany office at 518-431-6700.