

Memorandum in Opposition – S9007-A - Part K, Section 6

American Nurses Association-New York (ANA-NY) is a professional nursing organization representing the interests of New York State’s 270,000 registered nurses. ANA-NY advances the nursing profession by fostering high standards of nursing care, supporting the professional and educational advancement of nurses, and promoting the welfare of nurses to the end that all people may have better health care.

ANA-NY, on behalf of its members and their patients, opposes Part K, Section 6 that was included in the Governor’s proposed health budget and also included in the proposed Senate budget. We support the Assembly’s rejection of this proposal in their proposed budget. This section would permanently codify into state law the temporary CMS Hospital-at-Home authorization that was approved during the COVID-19 crisis and would remain in place through 2030. This provision was designed to help alleviate hospital overcrowding and address the workforce shortage issue.

While ANA-NY had concerns with this original proposal, we understood the situation facing the State and facilities and agreed that some flexibility was needed. However, we oppose permanently adding this proposal to State law as currently drafted. If this language were to be adopted permanently, we believe that patient care will be compromised in the long run.

It has long been the industry standard that for any acute care setting, licensed nurses are the primary care giver. This proposal would codify the CMS authorization of Medicare Hospital-at-Home (HAH) demonstration projects and permit the state to reimburse New York hospitals for these programs under Medicaid. ANA-NY has concerns with the current standards under the CMS program primarily that the program requires only a limited number of in-person visits by nurses and other licensed practitioners and allow daily check-ins with caregivers to be done remotely. While telehealth has an important role in our healthcare delivery system, it cannot replace daily visits from nurses who are trained to monitor and care for patients.

Further, the CMS standards do not have adequate emergency protocols and do not require any minimum standards of direct nursing care for each patient. These deficiencies compromise patient care and shift the responsibility and cost for patient care and support from hospital staff to patients and/or their families and caregivers in the home setting.

These original provisions were adopted as a demonstration program. New York must do a comprehensive review of the program and learn what is working and what is not. If New York is looking to make this demonstration permanent, then we must go beyond the minimum standards set by CMS and charge the Department of Health with formulating detailed regulations that are specific to New York and address the myriad of concerns we have with this legislation so as to protect patient access and care in New York.

For these reasons, ANA-NY opposes Part K, Section 6 of the Governor’s proposed health budget and urges a more thoughtful and prudent approach to addressing this issue.