



# STAT News

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## STATE UPDATE: Session Ends; Med Mal Proposals and Nurse Staffing Ratio Mandate Gone – For Now Special End-of-Session Selected Re-cap

The 2016 state legislative session came to a close on Saturday, June 18, 2016 and neither medical malpractice nor nurse staffing ratio legislation was passed by both chambers. These two measures were particularly problematic for the hospital industry, as nurse staffing ratios would render individual hospitals helpless to adjust nurse staffing needs based on patient complexity, volume surge, and workflow fluctuations. Similarly, the medical malpractice legislation to extend the statute of limitations for filing a lawsuit for up to seven years posed concerns. Without any offsetting statutory changes that would benefit providers, such as a cap on pain and suffering damages, this legislation would have resulted in a dramatic increase in premiums. Nearly every other state that has such a discovery statute also has a cap on damages. These two issues will continue to be a priority and the hospital industry is poised to work with state legislators, nurse leadership, and other special interest groups to come to a reasonable consensus in the future. For the first time, the nurse staffing ratio bill was passed by the Assembly, indicating that the issue will gain momentum in the next legislative session.

Numerous healthcare-related bills were passed by the Assembly and Senate and are now on their way to the governor's office for acceptance or veto. Session highlights:

- **Heroin and Opioid Addiction Epidemic Package** – attempts to stem the worsening opioid epidemic. The bill addresses, but certainly does not solve, issues related to insurance coverage, access to addiction treatment, treatment requirements, prevention, training, and education. The bill also included modest relief from the e-prescribing mandate – emergency department prescribers who order five days or less of opioid medications do not have to check the prescription monitoring registry – I-STOP.
- **Organ Donation** – bills passed that encourage more opportunity for organ donation in New York state, which remains 49<sup>th</sup> in the nation in terms of organ donation registry success. These are intended to increase the number of individuals who participate in New York's Donate Life Registry by reducing the legal age for donation from 18 to 16 years old, and by affirming organ donation participation upon application for a driver's license.
- **Advanced Home Health Aide** – is legislation that establishes a new designation of Advanced Home Health Aide, who could be authorized to work for a home care services agency, a hospice program, or at an enhanced assisted living residence. The enhanced scope of practice could include administration of routine pre-filled medications, with some exceptions. Additional requirements for the designation will be determined by the Commissioner of Education in consultation with the Commissioner of Health. This designation will be helpful for population health management, as more care is rendered in home and community settings.

A series of managed care bills made their way onto legislators' desks, but none passed both houses. The measures pertain to exclusion of prior approval for surgical and invasive procedures for concurrent symptoms, conditions, and side effects; plans honoring of assignment of benefits for out-of-network emergency services; and a shortened timeframe afforded to health plans to authorize nursing home care and align it with the time period for home care.

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