



This Week in New York

Covering New York State and City Government

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In the News – New York State



Proposed 2019 Health Insurance Premium Rates for Individual & Small Group Markets

Health insurers in New York have submitted their requested rates for 2019 to State Department of Financial Services (DFS). The rate increases averaged 24% for the individual market and 7.5% for the small group market.

According to the Department of Financial Services (DFS), the rate requests show both market stability and the effects of the federal repeal of the individual mandate.

“... The average rate requests for the small group market reflect the increased stability of that market in New York State,” Financial Services Superintendent Maria T. Vullo said. “With respect to the individual market, the single biggest justification offered by insurers for the requested increases is the Trump Administration’s repeal of the individual mandate penalty. The individual mandate, a key component of the Affordable Care Act, helped mitigate against dramatic price increases by ensuring healthier insurance pools. Insurers have attributed approximately half of their requested rate increases to the risks they see resulting from its repeal.”

The Superintendent asserted that without the federal action, the average requested rate increase would be 12.1%.

The chairmen of the respective legislative insurance committees are split as to the ultimate impact of the federal repeal. Assembly Insurance Chair Kevin Cahill, according to published reports, asserted that the Legislature should consider a state-level mandate to restore stability to the individual market. Senate Insurance Chairman James Seward, however said in published reports that it is "speculative" to assume the repeal would ultimately cause market instability, citing the uptick in enrollment in the Affordable Care Act.

To follow are the rate requests submitted to DFS:

INDIVIDUAL MARKET

Company Name	2019 Requested Rate Change without the Individual Mandate Repeal	Additional Percentage Associated with the Individual Mandate Repeal	Total 2019 Requested Rate Change
CDPHP*	5.1%	0.0%	5.1%
Crystal Run Health Plan, LLC	12.0%	3.7%	15.7%
Emblem*	19.5%	12.0%	31.5%
Empire Healthchoice Assurance*	19.8%	4.2%	24.0%
Excensus*	1.6%	7.3%	8.9%
Fidelis (New York Quality Healthcare Corp)*	12.7%	25.9%	38.6%
Healthfirst Insurance Company, Inc.	8.5%	6.5%	15.0%
Healthfirst PHSP, Inc.*	8.5%	6.5%	15.0%
Healthnow New York*	-3.2%	0.0%	-3.2%
IHBC*	4.7%	16.6%	21.3%
MetroPlus*	12.3%	1.1%	13.5%
MVP Health Plan*	1.8%	4.7%	6.5%
Oscar*	17.0%	8.2%	25.2%
UnitedHealthcare of New York Inc*	17.7%	5.9%	23.6%
Weighted averages:	12.1%	11.9%	24.0%

SMALL GROUP MARKET

Company Name	2019 Requested Rate Change
Aetna Life	16.2%
CDPHP	6.7%
CDPHP UBI	6.1%
Crystal Run Health Insurance Company	11.5%

Crystal Run Health Plan, LLC	12.5%
Emblem	12.0%
Empire Healthchoice Assurance	6.0%
EmpireHealthchoice HMO	5.2%
Excellus*	3.8%
Healthfirst Health Plan, Inc.	21.0%
Healthfirst Insurance Company, Inc.	7.0%
Healthnow New York	-0.1%
IHBC*	3.8%
MetroPlus*	4.7%
MVP Health Plan	7.0%
MVP Health Service Corp*	10.3%
Oscar	3.0%
Oxford Health Insurance Inc*	8.3%
UnitedHealthcare Ins Company of New York	7.2%
Weighted average:	7.5%



Laws of 2018

Chapter 49 – Sponsored by M of A Rozic / Senator Kavanagh -- Relates to requiring the president of the civil service commission to prepare a triennial report relating to programs within state agencies that allow for alternative work schedules or flexible work hours.

Chapter 61 – Sponsored by M of A Zebrowski / Senator Hamilton -- Relates to directing the department of financial services to study, evaluate and make recommendations concerning online lending institutions.

Chapter 62 – Sponsored by M of A Richardson / Senator Krueger -- Relates to maternal depression treatment.

Chapter 63 – Sponsored by M of A Glick / Senator Kavanagh -- Relates to the qualifications of members of the Battery Park city authority.

Chapter 64 – Sponsored by M of A Gottfried / Senator Alcantara-- Relates to reporting deaths and felony crimes in certain adult care facilities.

Chapter 66 – Sponsored by M of A Paulin / Senator Stewart-Cousins -- Authorizes the city of White Plains to impose occupancy tax.

Chapter 67 – Sponsored by M of A Lentol / Senator Golden -- Relates to tuition waivers for police officer students of CUNY.

Chapter 69 – Sponsored by M of A Glick / Senator Serrano -- Extends health care professionals' authorizations to practice in this state at an event sanctioned by New York Road Runners.

Chapter 70 – Sponsored by M of A Magnarelli / Senator Marchione -- Extends certain provisions of the general municipal law and the local finance law relating to electronic bidding.

Chapter 71 – Sponsored by Senator Golden / M of A Dinowitz -- Relates to terms and conditions of employment of certain nonjudicial officers and employees of the unified court system (NYS Court Officers).

Chapter 72 – Sponsored by Senator Bonacic / M of A Abbate -- Relates to the terms and conditions of certain nonjudiciary officers and employees in the unified court system (New York State Court Clerks).



Bills Passed by Both Houses



A261 – Sponsored by M of A Abinanti (MS) / Senator Parker -- Directs certain commissioners to study and report on the costs to the state of early diagnosis and treatment of autism.

A1369A – Sponsored by M of A Cusick / Senator Addabbo -- Establishes a small business tax credit for the employment of disabled persons.

A2549 – Sponsored by M of A Lifton (MS) / Senator Parker -- Directs the president of the civil service commission to study and publish a report evaluating wage disparities among public employers.

A3958 – Sponsored by M of A Dinowitz (MS) / Senator Sepulveda -- Requires the provision of guides containing best practices for retaining employees who are informal caregivers.

A4426 – Sponsored by M of A Cusick (MS) / Senator Sepulveda -- Establishes a New York state physical fitness and activity education campaign.

A5487 – Sponsored by M of A Seawright / Senator Bailey -- Requires the secretary of state to compile, make public and keep current certain information on persons subjected to section 73-a of the public officers law and who hold policy-making positions.

A5823B – Sponsored by M of A Wright / Senator Montgomery -- Requires notice to adjoining owners of construction or demolition work.

A6255 – Sponsored by M of A Walker / Senator Parker-- Authorizes the New York state energy research and development authority to study significantly improving high-performance efficiency in commercial office buildings.

A8006 – Sponsored by M of A Abbate / Senator Golden -- Relates to employees classified as the Triborough bridge and tunnel authority superior officers benevolent association of an MTA-employer and the resolution of disputes in the course of collective negotiation.

A8355B – Sponsored by M of A Giglio / Senator Young -- Relates to inland waterways for purposes of waterfront revitalization.

A8511 – Sponsored by M of A Dinowitz / Senator Golden -- Relates to a prohibition on diversion of funds dedicated to public transportation systems.

A9019A – Sponsored by M of A Gunther / Senator Serino-- Provides for a study on the mental health impacts of infectious diseases and blood-borne pathogens.

A10085 – Sponsored by M of A Lavine / Senate Rules-- Relates to extending certain provisions relating to assessment and review of assessments in the county of Nassau.

S169B – Sponsored by Senator Rivera / M of A Dinowitz -- Prohibits smoking within 100 feet of the entrances or exits of any public library.

S7836 – Sponsored by Senator Lanza / M of A Paulin -- To allow any county, outside of a city having a population of one million or more, the ability to move an action pending in a local criminal court to a court of special concern based upon the status of the defendants or the victim as a victim of domestic violence.

In the News – New York City



Comptroller DiNapoli: Audit Finds False NYC Elevator Inspections, Hazards Overlooked

Stronger NYC Oversight Needed to Ensure Safety

Private elevator inspectors in New York City are missing hazardous violations and allowing unsafe conditions to go unrepaired, according to an audit released this week by New York State Comptroller Thomas DiNapoli.

"In a vertical city, with tens of thousands of elevators carrying millions of people, it is unacceptable that New Yorkers should have to worry about false inspections or hazardous conditions. Even in a limited group of inspections, we found nearly every one missed violations that could pose risks to safety," Comptroller DiNapoli said. "While the Department of Buildings deserves credit for taking steps to address the concerns and recommendations we've made in our audit report, the agency needs to ensure that all inspections are complete and thorough so that New Yorkers can feel confident that the elevators they ride in are safe."

The Comptroller's audit looked at work done by certified elevator inspectors who worked for companies contracted by the New York City Department of Buildings (DOB). While DOB has 48 staff inspectors (as of July 2017), it regularly uses private companies to perform the annual inspections required of the city's 71,000 elevators. Auditors and DOB inspectors accompanied the non-DOB inspectors as they examined 12 elevators in nine buildings in the five boroughs.

Audit Findings

False Certifications: Two of the non-DOB inspectors falsely certified that they had inspected 15 elevators in 14 buildings before they had actually performed the inspections (several of these were not in the audit sample).

Missed Violations: Violations were missed or overlooked in 11 of the 12 elevators in the sample.

Missed Equipment Malfunctions: Three non-DOB inspectors failed to spot that a device that keeps doors from opening between floors was defective in elevators at three different buildings. The problem could cause elevator doors to open between floors and is considered an imminent hazard, which requires the elevator to be shut down for repair. A fourth non-DOB inspector did catch the problem at another building. However, he decided it was not an imminent hazard and kept the elevator in service, saying his company's policy did not require a shutdown. A DOB inspector later took the four elevators out of service.

Inadequate Evaluations: Inspectors found hoist cables in two elevators in two different buildings that showed signs of wear, called rouging. The problem was missed at one building and noted at the other, but the non-DOB inspector didn't have the right tool to measure the cable thickness which would have determined the seriousness of the problem. The inspector was subsequently terminated by his company for unprofessionalism.

Missing inspections: 6,741 (11 percent) of the 63,314 annual elevator inspections DOB required be completed by non-DOB inspectors in 2016 were not done; 8,807 (13 percent) of the 62,166 annual elevator inspections DOB required be completed by non-DOB inspectors in 2015 were not done.

Audit Recommendations

Required Procedures: Reinforcing with elevator inspection companies the required procedures for proper elevator inspections and for identifying elevators that need to be taken out of service.

DOB Procedures: Mandating that non-DOB inspectors comply with DOB procedures when performing elevator inspections.

Building Access: Ensuring that DOB communicates upcoming inspections with building owners so they can gain access and establishing specific deadlines by which building owners should respond to no-access inspection attempts.

Owner Sanctions: Using more forceful measures, including monetary penalties, against building owners when elevator tests are not performed.

According to the Comptroller, DOB officials agreed with the majority of the audit recommendations, and noted that they have already taken steps to implement changes to improve oversight of inspections.



Bills Approved by the City Council

Introduction 401-A, sponsored by Council Member Paul Vallone, would require the Department of Health and Mental Hygiene (DOHMH) to ensure that full-service animal shelters are operated in all five boroughs by July 1, 2024. While the City operates facilities to receive lost, stray, or homeless dogs and cats in the Bronx and Queens, neither borough is currently served by a full-service animal shelter.

Introduction 615-A, sponsored by Council Member Diana Ayala, would require the Department of Health and Mental Hygiene (DOHMH) to provide opioid overdose reversal drugs, such as naloxone, to all syringe exchange programs operating in the City. It would also require DOHMH to ensure that all syringe exchange staff members were properly trained in overdose prevention and reversal.

Introduction 618-A, sponsored by Council Member Justin Brannan, would require the Department of Health and Mental Hygiene (DOHMH) to develop age appropriate educational materials on drug and opioid awareness and prevention. This legislation would also require the Department of Youth and Community Development and the Department of Education to distribute such materials to youth service programs and students, respectively.

Introduction 623-A, sponsored by Council Member Andrew Cohen, would require the Fire Department of New York (FDNY) to report quarterly – to the City Council and the Department of Health and Mental Hygiene – on the number of opioid antagonists the department has available, the number of emergency medical technicians (EMTs) and other department employees trained to administer opioid antagonists, and the number of opioid overdose reversal drugs administered by EMTs.

Introduction 667-A, sponsored by Council Member Ritchie Torres, would require the Department of Social Services to refer individuals residing in Department of Homeless Services' shelters or HIV/AIDS Service Administration (HASA) facilities that suffered a non-fatal overdose to additional services.

Introduction 668-A, sponsored by Council Member Ritchie Torres, would require the Department of Health and Mental Hygiene (DOHMH) to provide opioid overdose prevention and reversal training to the public.

Introduction 669-A, sponsored by Council Member Ritchie Torres, would require the Municipal Drug Strategy Advisory Council, a council established by Local Law 48 of 2017 and comprised of health care professionals, advocates, and persons suffering from substance misuse disorder, to include in its biennial report the number of opioid overdose reversal drugs that are distributed to City agencies.

Introduction 717-A, sponsored by Council Member Jumaane Williams, would require the New York City Police Department (NYPD) to report quarterly – to the City Council and the Department of Health and Mental Hygiene – on the number of opioid antagonists the department has available, the number of officers trained to administer opioid antagonists, and the number of opioid overdose reversal drugs administered by NYPD Officers.

Briefs

NYS Workers Compensation Board Proposes New Medical Fee Schedule

The New York State Workers' Compensation Board this week released a proposed increase in medical reimbursement to providers who treat workers' compensation patients. The proposed medical fee schedule includes an overall fee increase for all provider types, as well as additional increases for certain specialty provider groups. The changes to the Medical Fee Schedule were published in the *State Register* on June 6, 2018. The Board will accept comments from the public for 60 days. The schedules can be accessed at: <http://www.wcb.ny.gov/content/main/hcpp/FeeSchedules.jsp>.

The proposal includes updated Current Procedural Technology (CPT) codes, increased conversion factors and amended Ground Rules. The Board encourages the public, including injured workers, employers, self-insured employers, insurance carriers, third-party administrators, attorneys, medical providers, and labor and business organizations to provide comments on the proposed changes to the Medical Fee Schedule. Comments can be submitted on or before August 6, 2018, to regulations@wcb.ny.gov. The Board will evaluate all comments received, and will consider necessary revisions as the process advances.

DEC Launches New Disclosure Program to Protect Consumers from Chemicals in Household Cleaning Products

The New York State Department of Environmental Conservation (DEC) this week released New York's final policy and form for manufacturer disclosures under the State's Household Cleansing Product Information Disclosure Program. The Household Cleansing Product Information Disclosure program requires manufacturers of cleaning products sold in New York to disclose chemical ingredients, as well as other information, on their websites.

New York will be the first state in the nation to require this disclosure and, according to DEC, the State's program goes beyond initiatives in other states by requiring the disclosure of byproducts and contaminants, as well as chemicals with the potential to trigger asthma in adults and children.

The Program requires manufacturers to disclose the name and unique chemical number of all intentionally added ingredients, including fragrances; all byproducts, such as 1,4 Dioxane, including those present in trace quantities that appear on state, national or international lists of identified chemicals of concern; and any impurity due to environmental contamination present in trace quantities that appear on such lists and are present above levels found in well-regulated public water systems located in the United States. More information about the Household Cleansing Product Information Disclosure Program and the certification form can be found on the DEC's website at <https://on.ny.gov/cleaningproducts>.

Governor Cuomo Advances Legislation to Keep Guns Away from Individuals Who Pose a Danger

New York Would Be First State in the Nation to Empower Teachers and School Administrators to Pursue Court Intervention

Governor Andrew Cuomo this week announced an extreme risk protection order law that would prevent individuals determined by a court to be likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing, or attempting to purchase or possess any type of firearm, including hand guns, rifles, or shotguns. According to the Governor, the legislation would make New York the first state in the nation to empower its teachers and school administrators to prevent school shootings by pursuing court intervention.

Under current state law, firearms may be removed from a person subject to a temporary order of protection issued by a criminal or family court, but a court can only issue a temporary order of protection in connection with a criminal or family offense proceeding. No law currently exists in New York State that enables a court to issue an order to temporarily seize firearms from a person who is believed to pose a severe threat of harm to himself, herself, or others unless that person has also been accused of a crime or family offense.

Governor Cuomo asserted that the proposed law would provide all necessary procedural safeguards to ensure that no firearm is removed without due process.

NYS Senate Overrides Governor's Veto of Full-day Kindergarten Bill

The New York State Senate this week voted to override Governor Andrew Cuomo's veto of legislation expanding full-day kindergarten opportunities to school districts that currently only offer half-day kindergarten programs. The legislation (S700B) was vetoed in April. It would provide additional funding to school districts with half-day programs so they can more easily transition to full-day programs. The vote was the first attempted override of a veto executed by Governor Cuomo.

There are five districts in the state that currently do not offer full-day kindergarten programs – Shenendehowa, Brighton, Pittsford, Washingtonville, and North Rockland. The districts would be provided with varying levels of additional state assistance over a period of five years.

The bill will now go to the Assembly for override consideration. According to Assembly Speaker Heastie, "There is no need for the Assembly to take up an override of the Governor's veto of A.1625 related to kindergarten expansion. The Assembly has worked with the Governor to resolve the concerns that the bill sought to address."

Mayor de Blasio, Speaker Johnson Announce Proposal to Make Birth Certificates More Inclusive to all Gender Identities

New York City birth certificates will include a third category, "X," to reflect a non-binary gender identity; transgender New Yorkers will no longer need an affidavit change their gender markers

Mayor Bill de Blasio and City Council Speaker Corey Johnson this week announced a landmark proposal to make birth certificates more inclusive to all gender identities. New York City birth certificates will include male, female and a new, third category of "X" to reflect a non-binary gender identity. In addition, transgender New Yorkers will no longer need a letter from a physician or an affidavit by a licensed health care provider to change their gender marker. Affidavits attesting that the gender marker change is for the purpose of affirming their gender identity will be accepted.

The Health Department will ask the Board of Health to consider these changes at a meeting of the Board on June 5. If the Board agrees, there will be a hearing in July and a vote in September. The City Council will introduce a bill with language matching the Board of Health proposal in June.

Coming Up

New York State

The Legislature is in session Monday June 11th through Thursday June 14th

New York City

Monday June 11th

Committee on Public Safety, Council Chambers – City Hall, 10 a.m.

Committee on Sanitation and Solid Waste Management, Committee Room – City Hall, 10 a.m.

Committee on Aging, Council Chambers – City Hall, 1 p.m.

Tuesday June 12th

Committee on Transportation, Council Chambers – City Hall, 10 a.m.

Committee on Housing and Buildings, Committee Room – 250 Broadway, 14th Floor, 10 a.m.

Wednesday June 13th

Committee on Health, Council Chambers – City Hall, 10 a.m.

Committee on Youth Services, Committee Room – City Hall, 1 p.m.

Committee on Education, Committee Room – City Hall, 1 p.m.

Thursday June 14th

Committee on Consumer Affairs and Business Licensing, Council Chambers – 250 Broadway, 14th Floor, 10 a.m.

Committee on Economic Development, Committee Room – City Hall, 1 p.m.

Subcommittee on Zoning and Franchises, Committee Room – City Hall, 1 p.m.

Committee on Higher Education, Council Chambers – City Hall, 1 p.m.

Committee on Women, Council Chambers – City Hall, 1 p.m.

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