



This Week in New York

Covering New York State and City Government

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Happy Hanukkah!!



From Pitta Bishop & Del Giorno

In the News – State

Welcome to the Room

Senator Andrea Stewart-Cousins to Lead Senate Majority in 2019



Andrea Stewart-Cousins (D-Westchester) made history this week, as the newly minted Senate Democratic majority formally elected her New York's first female Senate Majority Leader and the first African American woman to lead the State's upper house. Her ascent changes the dynamic of New York's long-standing three-men-in-a-room negotiation norm.

"This is an incredibly proud moment for me," Senate Majority Leader Stewart-Cousins said. "It is a moment that I don't believe, certainly when I came here, I would have ever dreamt of."

Following November's elections, the Democrats hold a 40 to 23 edge in the Senate. This is the first time Democrats have controlled the State Senate since 2010 and only the third time since 1939. Senator Stewart-Cousins has led the Senate Democrats since 2012.

“Andrea Stewart-Cousins is a good listener and a good leader,” Senator Republican Leader John Flanagan said. “She is a class act and a truly extraordinary person, and I wish her well.”

Majority Leader Stewart-Cousins has named Queens Senator Michael Gianaris as Deputy Majority Leader of the State Senate. Senator Jose Serrano Jr., who represents portions of upper Manhattan and The Bronx, will also be part of her leadership team as chair of the Democratic Conference.



The 2019 Legislative session opens Wednesday, January 9th.



State Comptroller Asserts State Opioid Treatment Programs Need Better Coordination

Auditors with the State Comptroller found evidence that some of the State’s opioid treatment programs were not checking whether patients were getting other opioid prescriptions or coordinating care with health care providers. The findings have led State Comptroller Thomas DiNapoli to question whether some individuals on Medicaid receiving treatment for opioid use disorder might have received unnecessary or dangerous opioid prescriptions outside of their treatment programs.

Comptroller DiNapoli’s auditors examined state Department of Health (DOH) records from October 1, 2013 to September 30, 2017 and identified 18,786 Medicaid recipients who received 208,198 prescriptions for opioids through the Medicaid program while also receiving opioids, usually methadone, as part of a treatment program for opioid use disorder.

Auditors found 33 percent of Medicaid recipients in treatment programs received prescription opioids outside of their program. Three percent of these individuals received medical care for an overdose within 30 days of obtaining a prescription. Specifically, 493 needed medical care as a result of 691 opioid or narcotic overdoses that occurred within a month of receiving a prescription opioid. Twelve of those individuals died during the time of their medical care involving the overdose.

The Comptroller’s auditors reviewed the medical records for a sample of 25 Medicaid recipients from three treatment programs. Auditors also analyzed Medicaid data and determined these individuals received 1,065 Medicaid opioid prescriptions while they were in treatment for opioid abuse. Auditors found that 13 of the 25 recipients were asked at least once during treatment to sign a consent form to coordinate care with the recipient’s opioid prescriber. However, three of the 13 recipients declined to sign the form. Treatment programs were aware of 566 of the 1,065 opioid prescriptions (53 percent) provided to the 25 patients. Auditors found that consent to coordinate care was obtained regarding 85 of the 1,065 prescriptions (8 percent) and care coordination occurred for 59 of the 1,065 prescriptions (6 percent).

DOH disagreed with the audit as “misleading,” based on its sample size, but pledged to strengthen its procedures.

“To characterize a system as inadequate based on an unrepresentative, non-randomized sample of the some of the highest users of prescription opioids in the OASAS treatment system is misleading,” according to its response included with the audit findings. “Further, the aggregate numbers only equate to an average of one prescription per person every three months over the term of the audit. For the 25 highest users receiving 1,065 prescriptions, the average is one prescription per month. However, the Department takes seriously its obligation to prevent inappropriate dispensing of opioid medications and is reviewing alternatives to strengthen existing requirements and procedures.”

The audit is part of a broader initiative by the State Comptroller's office to look at opioid use across New York state. Auditors, in a series of reports, will be looking to identify at-risk patient/provider behavior and gaps in the effectiveness of government programs.

Bills Delivered to the Governor

A467A (Sponsored by M of A Paulin / Senator Griffo) -- Relates to reporting requirements for various classifications of gas leaks by utility corporations.

A716 (Sponsored by M of A Gunther / Senator Marchione) -- Permits state lottery winners to remain anonymous to the general public.

A2022 (Sponsored by M of A Bronson / Senator Robach) -- Relates to the cost effectiveness of consultant contracts by state agencies.

A2449 (Sponsored by M of A Hyndman / Senator Comrie) -- Establishes a pilot program to provide job and vocational skills training to youth.

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

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

A6761A (Sponsored by M of A Solages / Senator Hannon) -- Requires the New York state department of transportation to conduct a study to evaluate the configuration and signage of entrance and exit ramps on the Southern State Parkway in Nassau and Suffolk counties.

A8164B (Sponsored by M of A Brindisi / Senator Akshar) -- Relates to impairments of health, presumption and staph/MRSA.

A8485B (Sponsored by M of A Nolan / Senator Gallivan) -- Relates to child abuse in an educational setting.

A9019A (Sponsored by M of A Gunther / Senator Serino) -- Relates to impact studies on tick-borne diseases.

A9667 (Sponsored by M of A Paulin / Senator Gallivan) -- Relates to optional disability coverage for county probation officers.

A9909 (Sponsored by M of A Abbate / Senator Golden) -- Relates to accidental disability retirement for uniformed court officers and peace officers employed in the unified court system.

A9910 (Sponsored by M of A Abbate / Senator Golden) -- Relates to age and service eligibility requirements for ordinary retirement for members of the unified court system.

A10781A (Sponsored by M of A Gottfried / Senator Hannon) -- Requires each clinical laboratory to have one or more supervisors upon the premises during business hours.

In the News – City



Comptroller Proposes to Tax the Rich to Pay for Affordable Housing for New York’s Poorest

New York City Comptroller Scott Stringer unveiled a comprehensive affordable housing plan focused on the City’s poorest families with funding coming from increased taxes on high-end real estate deals. The Comptroller proposes to replace the “regressive” Mortgage Recording Tax with a more “progressive” Real Property Transfer Tax that will “reduce the cost of purchasing a home for middle-class families.”

In his report, *NYC for All: The Housing We Need*, Comptroller Stringer argues that the current housing plan does not meet the needs of New Yorkers. He cited that there are approximately 580,000 New York City households in the greatest need of affordable housing. Of these households, almost 90% make less than \$47,000 per year for a family of three. Under the current program less than 25% of the City’s current affordable housing plan is being built for these New Yorkers.



Comptroller Stringer's proposal includes new strategies that will help build targeted, affordable housing for those most at risk. It also connects the City's housing policy to homelessness by tripling the homeless set-aside to 15% for new construction and planning to meet that goal each year.

To fund the effort, Comptroller Stringer is proposing a progressive tax model that eliminates advantages for all-cash buyers. Under current law, when homes are purchased in New York City and New York State, the Real Property Transfer Tax is imposed on all purchases based on the price paid for the home. However, only individuals who borrow to purchase or refinance a home pay the Mortgage Recording Tax, based upon the amount financed. The Comptroller would eliminate this tax.

In 2016, all-cash purchases accounted for more than 80% of Manhattan condo purchases over \$5 million, and over 90% of Manhattan townhouse purchases over \$5 million, the Comptroller noted. Under this plan, the Real Property Transfer Tax would rise as the price of the property rises.

According to the Comptroller, the tax proposed in "NYC for All" will save the average middle class New Yorker over \$5,700 on a purchase or refinancing. It would also raise up to \$400 million annually.

Bills Passed by the City Council

Introduction 367, *sponsored by Council Member Rafael Salamanca*, would require the Department of Probation to distribute written notices on the voting rights of persons sentenced to probation, during the intake process, for any person sentenced to probation.

Introduction 480-A, *sponsored by Council Member Daniel Dromm*, would require the Department of Youth and Community Development (DYCD) to establish a plan to provide information about resources and services relating to immigration relief and benefits for runaway and homeless youth (RHY) in programs operated by DYCD.

Introduction 514-A, *sponsored by Council Member Rory Lancman*, would require the Department of Correction to provide written notice regarding the voting rights of formerly incarcerated persons in the state of New York upon release, along with voter registration forms.

Introduction 744, *sponsored by Council Member Joseph Borelli*, would require the Fire Department of New York (FDNY) to report to the Council on the staffing ratios, by division, of FDNY emergency medical services (EMS) supervising officers to FDNY EMS stations.

Introduction 746, *sponsored by Council Member Joseph Borelli*, would require the Fire Department of New York (FDNY) to annually report to the City Council on potential impacts to fire protection and Emergency Medical Services (EMS) that resulted from rezoning that took place the previous year.

Introduction 1115-A, *sponsored by Council Member Fernando Cabrera*, would require the Voter Assistance Advisory Committee to develop and distribute guidance for agencies covered by the Agency Based Voter Registration Law on the voting rights of formerly incarcerated persons.

Introduction 1054, sponsored by Council Member Joseph Borelli, would require the Fire Department of New York (FDNY) to make all components of applications for fire alarm plan examinations and inspections (e.g. required forms, plans, etc.) available for online submission. Such applications may currently only be submitted in-person.

Introduction 1069 – sponsored by Council Member Mark Levine – would require the Taxi and Limousine Commission (TLC) or another agency or office designated by the mayor to study the problem of medallion owner debt.

Briefs

NYS Approves CVS Health's Acquisition of Aetna Insurance

The Department of Financial Services (DFS) has approved CVS Health Corp. and CVS Pharmacy Inc.'s application to acquire Aetna Health Insurance Company of New York, a New York domestic stock accident and health insurance company. DFS approved the acquisition subject to a number of conditions including enhanced consumer and health insurance rate protections, privacy controls, cybersecurity compliance, and a \$40 million commitment to support health insurance education and enrollment and other consumer health protections.

The conditions include:

- No funds from any Aetna company or affiliate covering New Yorkers can be used to pay for CVS's acquisition
- Costs derived from the acquisition, including executive compensation, cannot be passed on to any domestic or foreign Aetna New York insurer
- Increased health insurance rates cannot be sought in New York to pay for the cost of the acquisition and premiums and cost-sharing owed by policyholders cannot increase
- Dividends cannot be paid by Aetna without the express prior approval of the Superintendent for a period of three years
- Current products throughout the Aetna New York service area must be maintained for three years following the approval
- One or more new products must be made available by Aetna to the small and large group markets within two years from the approval through an existing or new New York-domiciled insurer
- Adherence to DFS's nation-leading Cybersecurity Regulation, including filing the required annual certificates of compliance to DFS
- No preferential pricing to any Aetna-affiliated health insurer licensed in New York, including any managed care organization certified in New York, that considers the fact that the health insurer is Aetna-affiliated
- Ensuring that participating provider networks for insured products maintain access to non-chain New York pharmacies for three years from the approval.

Lawsuit seeks to block New York's sweeping new lobbying rules

A lawsuit filed in State Supreme Court in Albany this week seeks to strike New York's new lobbying regulations, which are set to go into effect in January. The lawsuit, York Group Associates LLC v. Joint Commission on Public Ethics, argues that JCOPE's Commissioners lack the authority under New York law to create the new regulations. The plaintiffs, including former Lobby Commission head David Grandeau, argue those rules would unduly burden lobbyists and their clients, and infringe on their free speech rights. The group is seeking an injunction to stop JCOPE from enforcing the regulations.

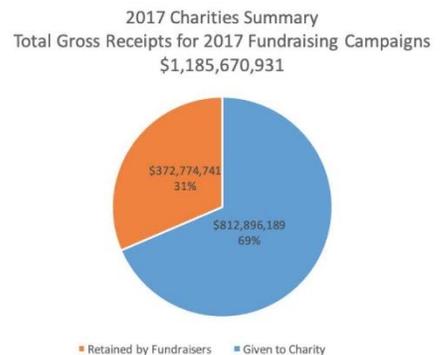
"This is a case about bureaucratic overreach," states the suit, according to published reports. "(JCOPE) does not have the authority to issue comprehensive regulations, let alone regulations that expand and amend the Lobbying Act."

AG Report: Professional Fundraisers Keep 1/3 of Donations

Nearly a third of money given to charitable causes and organizations is retained by professional fundraisers, according to a report, *Pennies for Charities*, released Monday by Attorney General Barbara Underwood. The annual report assesses New York charities, their spending and how their donation money is spent.

New Yorkers in 2017 gave nearly \$1.2 billion in charitable gifts to 964 fundraising campaigns that were conducted by professional fundraisers. The charities netted \$812 million, while fundraisers who helped raise the money received \$372 million.

Professional fundraisers are regulated in New York and must register with the Attorney General's office. They must provide financial reporting breaking down the revenue raised and the expenses generated by a campaign.



US Health Officials: It's OK to Eat Some Romaine

The Food and Drug Administration narrowed last week's blanket warning against eating romaine lettuce due to an E. coli outbreak. The agency said Monday the romaine linked to the outbreak appears to be from the California's Central Coast region. Romaine lettuce from elsewhere should soon be labeled with harvest dates and regions.

The FDA warns individuals to stay away from romaine lettuce that does not have the label information. For romaine that doesn't come in packaging, grocers and retailers are being asked to post the information by the register. The FDA also noted hydroponically grown romaine and romaine grown in greenhouses are not implicated in the outbreak.

De Blasio Administration Announces Historic Low for New HIV Diagnoses, Down 64 Percent Since Reporting Began in 2001

The de Blasio Administration announced the annual number of new HIV diagnoses in New York City has reached an all-time low, with 2,157 New Yorkers getting newly diagnosed last year. According to data from the 2017 HIV Surveillance Annual Report, newly diagnosed cases were down 5.4 percent from 2016. New York City is on track to achieve its NYC Ending the Epidemic goals by 2020.

In addition to tracking new HIV diagnoses in the city, the Health Department estimates the number of new HIV infections. The estimated number of new HIV infections in New York City also continues to decline, with a 35 percent decrease among men who have sex with men (MSM) and a 36 percent decrease overall since 2013.

City Council to Hold Hearings on Amazon

The New York City Council will be holding hearings to solicit testimony from City officials regarding the negotiations which brought Amazon to Long Island City. The first hearing is scheduled for December 12th. In January, the finance committee will hold a hearing focused on the state and city subsidies promised to Amazon. The final hearing, tentatively scheduled for February, will focus on the deal's impact on Long Island City's housing, transportation and infrastructure.

According to published reports, Deputy Mayor Alicia Glen, Economic Development Corp. President James Patchett, and Amazon executives have been invited to the hearings

On November 13th Amazon announced that it would build two new headquarters, in Long Island City, Queens, and Crystal City, Va.

Coming Up

New York State

Monday December 3rd

Allowing Adult Use of Marijuana

Joint Assembly Standing Committee on Codes, Committee on Health, Committee on Governmental Operations, and Committee on Alcoholism and Drug Abuse, Town Board Room, Babylon Town Hall, 200 East Sunrise Highway, Lindenhurst, 10:30 a.m.

Tuesday December 4th

Wage Theft in New York State

Joint Assembly Standing Committee on Labor and Committee on Judiciary, Assembly Hearing Room, 250 Broadway, Room 1923, 19th Floor, New York, 10 a.m.

Wednesday December 5th

Maintenance of Effort for the State University of New York (SUNY) and the City University of New York (CUNY)

Assembly Standing Committee on Higher Education, Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Thursday December 6th

Access to Mental Health and Developmental Disability Services and Supports

Assembly Standing Committee on Higher Education, Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

Friday December 7th

The Role of New York State Libraries in their Communities

Assembly Standing Committee on Higher Education, Roosevelt Hearing Room C, Legislative Office Building, 2nd Floor, Albany, 10 a.m.

New York City

Monday December 3rd

Subcommittee on Planning, Dispositions and Concessions, Committee Room – City Hall, 9:30 a.m.

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

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

Committee on Land Use, Committee Room – City Hall, 11 a.m.

Committee on Standards and Ethics, 250 Broadway, 15th Floor, 11:30 a.m.

Continuation of the October 11, 2018 – Recessed Meeting

Committee on Standards and Ethics, Committee Room – 250 Broadway, 14th Floor, 12:30 p.m.

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

Committee on Mental Health, Disabilities and Addiction, Committee Room – 250 Broadway, 16th Floor, 1:30 p.m.

Committee on Public Safety, Committee Room – 250 Broadway, 16th Floor, 1:30 p.m.

Tuesday December 4th

Committee on Environmental Protection, Committee Room – City Hall, 10 a.m.

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

Wednesday December 5th

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

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

Thursday December 6th

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

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