



This Week in New York

Covering New York State and City Government

A Publication of Pitta Bishop & Del Giorno LLC

December 3, 2021 Edition



“Every record has been destroyed or falsified, every book rewritten, every picture has been repainted, every statue and street building has been renamed, every date has been altered. And the process is continuing day by day and minute by minute. History has stopped. Nothing exists except an endless present in which the Party is always right.”

-George Orwell, 1984-

In the News – New York State

NYS Health Commissioner Bassett Takes Over as COVID-Variant Closes in on NYS

Newly minted State Health Commissioner Mary T. Bassett, M.D., M.P.H., started her tenure on Wednesday and was in the throes of the onset of the Omicron variant by midday Thursday.

Governor Hochul’s Thursday morning report of a possible Omicron exposure at a November Javits Center convention became the report of 5 cases downstate by early Thursday evening; four in New York City and one on Long Island.



“It may seem like COVID has really opened up a Pandora's Box,” Dr. Bassett said. “I hope that all of you remember that there was something left in that box and that was hope. I have enormous hope about our ability to tackle this big picture...Governor, I really look forward to joining you in this.”

Dr. Bassett, previously served as Director of the François-Xavier Bagnoud (FXB) Center for Health and Human Rights at Harvard University and FXB Professor of the Practice of Health and Human Rights in the department of Social and Behavioral Sciences at the Harvard T.H. Chan School of Public Health. Prior to that, she served as Commissioner of the New York City Department of Health and Mental Hygiene ((NYC DOHMH)); Director for the Doris Duke Charitable Foundation's African Health Initiative and Child Well-Being Prevention Program; and as Deputy Commissioner of Health Promotion and Disease Prevention at NYC DOHMH.

Early in her career, Dr. Bassett served on the medical faculty at the University of Zimbabwe and went on to serve as Associate Director of Health Equity at the Rockefeller Foundation's Southern Africa Office. After returning to the United States, she served on the faculty of Columbia University. Dr. Bassett received a B.A. in History and Science from Harvard University, an M.D. from Columbia University's College of Physicians and Surgeons, and an M.P.H. from the University of Washington.



New York State Legislative Session Calendar January — June 2022



The New York State legislative session calendar establishes a schedule for the 2022 legislative session and provides dates important to the legislative process. The session calendar is intended to afford Members flexibility in conducting legislative business in Albany and planning activities within their home districts. The session calendar will foster orderly and timely consideration of legislation. Unforeseen events may require modification of the session calendar.

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January 5 2022 Legislative Session convenes
January 17 Martin Luther King, Jr. Day
January 18 Final Day for Submission of Executive Budget

February 21 Presidents' Day
April 1 Beginning of new Fiscal Year
May 30 Memorial Day

Indicates session day



Chapters of the Laws of 2021

Chapter 641 – Sponsored by Senator Kaplan/M of A McDonald – Relates to designating a small business liaison.

Chapter 642 – Sponsored by Senator Kaplan/M of A Stirpe – Directs the Department of State to provide information to certain new businesses.

Chapter 645 – Sponsored by Senator Addabbo/M of A Pretlow – Relates to the aftercare of retired race horses.

Chapter 646 – Sponsored by Senator Ramos/M of A Bronson – Establishes the child poverty reduction advisory council to effectuate a reduction of child poverty in the state.

Chapter 648 – Sponsored by Senator Hinchey/M of A Barrett – Directs the commissioner of agriculture and markets to develop and conduct a public awareness campaign regarding Lyme disease and other tick-borne diseases.

Chapter 650 – Sponsored by Senator Brisport/M of A Clark – Requires local social services districts to offer to pay childcare providers via a direct deposit for any subsidized child care funds owed.

Chapter 653 – Sponsored by Senator Ramos/M of A Conrad – Extends provisions relating to self-employment assistance programs and other matters.

In the News – City

De Blasio Administration Releases November Financial Plan Update for NYC’s Fiscal Year 2022

Mayor Bill de Blasio this week released New York City's November Financial Plan Update which reported a \$102.8 billion FY22 budget fueled by federal Covid 19 relief and stimulus funding.

According to Mayor de Blasio, new agency spending of \$534 million in FY22 is “completely offset” by a combination of pension adjustments, agency and debt service savings totaling more than \$600 million achieved over the same year.

The plan shows adjusted budget gaps of \$2.9 billion in FY23, \$2.7 billion in FY24, and \$2.1 billion in FY25 and achieves \$983 million in the Citywide Savings Program across Fiscal Years 2022 and 2023. Budget reserves are \$5.1 billion with \$3.8 billion in the Retiree Health Benefits Trust, \$1.0 billion in the Rainy-Day Fund, and \$300 million in the General Reserve.

State Comptroller Thomas DiNapoli asserted that the Mayor's plan illustrates both recovery and uncertainty.

"New York City's November 2021 Financial Plan modification indicates that the recovery is underway, but that its trajectory is uncertain, with employment growth and improvement in the commercial real estate market expected to slow from earlier projections," the State Comptroller explained. "The updated financial plan highlights why smart use of the city's federal relief funds and better-than-projected revenues are necessary to shore up reserves. The city needs to find ways to balance its budget while maintaining service levels to smooth its path to recovery while navigating a difficult economic environment.

The Comptroller noted that the updated plan also raises concerns for the pace of recovery's effects on the city budget. He explained that City tax revenues, which have generally beat expectations in recent years, are in line with projections, suggesting they may not provide the same source of upside for the city's budget as it has in years past.

The Updated November plan included:

- Funding for Emergency Rikers Relief Plan actions (\$57M)
- Provide debt relief for taxi medallion owners with a City funded backstop, \$50M on top of the existing \$65 million Medallion Relief Program
- Reentry housing with healthcare and employment counseling for justice involved New Yorkers returning to the community (\$29M)
- Extend COVID-19 Emergency Food Distribution (\$15M)
- Increase funding for Key to NYC vaccine canvassing (\$10M)
- Increase Test & Trace outreach (\$7M)
- Expand mental health services at domestic violence shelters (\$5M)
- \$500 vaccine incentive initiative for City workers (\$6M)
- Expand street homeless outreach with mobile treatment vans (\$4.4M)
- Implement recommendations in "The New Normal: Combatting Storm-Related Extreme Weather in New York City" report including an expanded sensor network, a database of basement apartments, green infrastructure maintenance, and wetlands management staffing, an investment of \$15M which builds on \$2.4B in funding that was included in the FY22 Capital Commitment Plan
- Fund offshore wind capacity-building initiatives that will support the development and equipping of manufacturing firms in the City (\$2M)

Comptroller DiNapoli concluded that "The modification shows there is still much to be done to manage uneven service demands across the city. The next administration should make efforts in its preliminary budget next year to reasonably assess the effects of changes to the city's revenue over the plan and make the hard decisions necessary to balance the budget for Fiscal Year 2023 and beyond."

Briefs

Governor's Executive Order Directing DOH to Limit Elective Procedures at Hospitals with Limited Staffed Bed Capacity Goes into Effect

Services at 56 Hospitals Across the State Could be Limited

Fifty-six hospitals in New York are facing limited staffed bed capacity and could be directed to postpone elective surgeries and other procedures under Governor Kathy Hochul's recent Executive Order. The order went into effect today.

Under the Executive Order signed by Governor Hochul, the Department of Health will be allowed to limit non-essential, non-urgent procedures for in-hospitals or systems with limited capacity to protect access to critical health care services. Limited capacity is defined as below 10% staffed bed capacity, or as determined by the Department of Health based on regional and health care utilization factors. The new protocols began on Friday, December 3, and will be re-assessed based on the latest COVID-19 data on January 15.

According to published reports, as of December 2nd, the hospitals facing staffed bed capacity issues are based around the state, including Harlem Hospital Center in Manhattan and Jamaica Hospital Medical Center in Queens. In the Capital Region, Albany Medical Center and Glens Falls Hospital are included. Rochester's Strong Memorial is on the list, as are the two Upstate hospitals in Syracuse. Among the Western New York hospitals, Erie County Medical Center is on the watch list. As of yesterday, no hospitals have been ordered to limit procedures based on that order.

Governor Hochul Signs Package of Legislation to Support Small Businesses

Governor Kathy Hochul signed a package of legislation to increase State agency support of small businesses in New York.

Chapter 641 creates a small business liaison with the Departments of Agriculture and Markets, Environmental Conservation, Labor, Transportation, and Taxation and Finance. The liaison will assist small businesses by serving as the primary contact for small business, helping small businesses navigate the agency bureaucracy, hearing and reporting concerns of small business, initiating and encouraging small business education and outreach on behalf of the agency, and collaborating with agency staff on any small business regulation. It was sponsored by Senator Jessica Ramos and Assemblyman John McDonald.

Chapter 642 requires the Secretary of State to confirm receipt upon receiving a statement of filing and include useful information for businesses including but not limited to contact information for the local Small Business Development Council, local Entrepreneurial Assistance Program, Business Mentor NY, and Empire State Development. It was sponsored by Senator Anna Kaplan and Assemblyman Al Stirpe.

Comptroller DiNapoli Finds Over \$100 Million in Inappropriate Medicaid Payments

State Comptroller Thomas DiNapoli this week released three reports that found more than \$100 million in improper payments made by the Department of Health (DOH) for the Medicare buy-in program, maternity care, and drug and therapy claims. Nearly \$400,000 in premiums may have been paid for deceased individuals.

Improper Medicare Payments: Auditors found Medicaid made \$31.7 million in improper Medicare premium payments from Jan. 1, 2015 through Dec. 31, 2019 for 42,586 individuals. Medicaid also paid \$372,716 in Medicare premiums for 282 individuals identified as deceased. Auditors found Medicaid paid \$23.6 million in premiums for 3,439 individuals who were automatically added to the buy-in program with coverage beginning more than two years retroactively, despite limitations on this.

Questionable Managed Care Payments: Auditors identified approximately \$55 million in improper and questionable SMCPs to MCOs from Aug. 1, 2015 to July 31, 2020. They found \$29.1 million was paid without the required supporting data; \$23.4 million was paid where the data or other evidence indicated the maternity case ended in termination or miscarriage; and \$2.4 million was paid when the SMCP date of service preceded the birth by one to six months.

Overpayments for Prescription Drugs: Auditors identified \$17.7 million in payments that should have been paid by Medicare.

New York City Sues French Fashion Media Company L'Officiel USA for Failing to pay NYC Freelancers

Mayor Bill de Blasio announced this week that the City's Law Department and the Department of Consumer and Worker Protection (DCWP) have filed a [lawsuit](#) against L'Officiel USA, the American subsidiary of the French-owned global media company that operates several print and digital magazines about fashion, beauty, music, film, literature, culture, politics, lifestyle, and wellness.

The lawsuit, which was filed in New York County Supreme Court, alleges that L'Officiel has engaged in a pattern of failing to pay freelancers on time or at all, including writers, editors, photographers, videographers, graphic designers and illustrators.

Since the NYC Freelancing Isn't Free Act went into effect in May 2017, the City has received more than 20 complaints from freelancers about L'Officiel failing to pay on time or at all, as well as failing to provide a written contract and for being retaliated against for exercising their rights. According to the City, while L'Officiel initially responded about complaints against them, they eventually stopped responding.

As a result, the lawsuit seeks double the unpaid wages for the freelancers, and that L'Official change their policies and practices in paying freelancers, submit monthly reports to the City about its payments to NYC freelancers, and pay civil penalties to the City.

Mayor de Blasio Announces Nation's First Overdose Prevention Center Services Open in New York City

Mayor Bill de Blasio and the Health Department announced that the first publicly recognized Overdose Prevention Center (OPC) services in the nation have begun in New York City. OPCs will be co-located with previously established syringe service providers.

According to the Mayor, OPCs will be in communities based on health need and depth of program experience. City agencies will run joint operations focused on addressing street conditions across the City, and will include an increased focus on the areas surrounding the OPCs as they open.

The initial centers are located in Manhattan's East Harlem and Washington Heights.

President Biden Announces New Actions to Protect Americans Against the Delta and Omicron Variants

President Biden announced new actions to combat COVID-19 as the United States heads into the winter months and with the emergence of the Omicron variant, including free and insurer-funded at-home COVID-19 testing and new requirements for international travelers.

The U.S. government will require private health insurers to reimburse their customers for the cost of over-the-counter, at-home COVID-19 tests, and make tests available free through rural clinics and health centers for the uninsured. Reimbursement for tests will begin in January.

The United States also now requires inbound international passengers to be tested for COVID-19 within one day of departure, regardless of vaccination status. Mask requirements on airplanes, trains and public transportation vehicles will be extended to March 18th.

Mayor de Blasio Announces Vaccine Mandate for Staff at NYC Private Schools

Mayor de Blasio announced a new mandate Thursday requiring staffers at New York City private schools to get vaccinated against COVID-19. Private school employees will be required to get their first dose of the vaccine by December 20th. City officials estimate the mandate will cover 56,000 employees across 938 independent and parochial schools.

Mayor-Elect Adams Transition Team Announced

Mayor-Elect Eric Adams' transition team was announced this afternoon, with over 1500 individuals serving on over 20 committees. Membership information can be accessed [here](#).

Coming Up

New York State

Wednesday, December 8th

To Examine New York's Horse Racing Industry and the Businesses that Support it

Assembly Standing Committee on Racing and Wagering

Roosevelt Hearing Room C, Legislative Office Building 2nd Floor, Albany, 11 a.m.

Thursday, December 9th

To Discuss New York State's System of Ethics Oversight and Enforcement

Senate Standing Committee on Ethics and Internal Governance

Senate Hearing Room, 250 Broadway, New York, 10 a.m.

New York City

Monday, December 6th

Democratic Conference of the Council of the City of New York, Remote Hearing Room – Virtual Room 4, 10 a.m.

Appointment of Ms. Jodi Morales, Esq. as the NYC Board of Elections Democratic Elections Commissioner for Bronx County.

Committee on Education, Remote Hearing Room – Virtual Room 1, 10 a.m.

Oversight – Impact of the COVID-19 Pandemic on Arts Instruction, Extracurriculars, and School-Related Social Activities.

Committee on General Welfare, Remote Hearing Room – Virtual Room 2, 10 a.m.

Oversight – State of Single Adult Homelessness in NYC.

Committee on Public Safety, Remote Hearing Room – Virtual Room 3, 1 p.m.

Oversight – NYPD Officer Performance Indicators.

Tuesday, December 7th

Committee on Contracts & Housing and Buildings, Remote Hearing Room – Virtual Room 2, 10 a.m.

Oversight – Minority Affordable Housing Development World.

Subcommittee on Landmarks, Public Sitings and Dispositions, Remote Hearing Room – Virtual Room 1, 10 a.m.

Subcommittee on Zoning and Franchises, Remote Hearing Room – Virtual Room 1, 12 p.m.

Committee on Land Use, Remote Hearing Room – Virtual Room 1, 1 p.m.

Committee on Parks and Recreation, Remote Hearing Room – Virtual Room 3, 1 p.m.
Oversight – Access to Recreational Programs.

Thursday, December 9th

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

Committee on Rules, Privileges and Elections, Council Chambers – City Hall, 10:30 a.m.

Subcommittee on Zoning and Franchises, Council Chambers – City Hall, 11:30 a.m.

Committee on Land Use, Council Chambers – City Hall, 12 p.m.

City Council, Council Chambers – City Hall, 1:30 p.m.

Friday, December 10th

Committee on Small Business, Remote Hearing Room – Virtual Room 3, 10 a.m.
Oversight – Regulatory Burdens on Small Businesses.

Committee on Technology, Remote Hearing Room – Virtual Room 4, 11 a.m.
Oversight – Open Data Compliance.

Committee on Women and Gender Equity & Youth Services, Remote Hearing Room – Virtual Room 2,
11:30 a.m.
Oversight – Resources to Better Serve LGBTQI+ New Yorkers in the Workforce.

“No man can be a good citizen unless he has a wage more than sufficient to cover the bare cost of living, and hours of labor short enough so after his day’s work is done he will have time and energy to bear his share in the management of the community, to help in carrying the general load.”

-Theodore Roosevelt-

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