

RMS End of Week Update 11/22/2024



State Senate Majority Leader Andrea Stewart-Cousins spoke at an Association for a Better New York breakfast on Nov. 19. REBECCA C. LEWIS

Senate Majority Leader Stewart-Cousins Says Special Session ‘Unlikely’ This Year To Combat Trump

According to a recent article in [City & State](#), NYS Senate Majority Leader Andrea Stewart-Cousins seemed to put to bed the prospect of a special session to preemptively address the upcoming presidency of Donald Trump, while avoiding specifics on what her conference will be focused on next year.

Speaking at a breakfast hosted by the Association for a Better New York on Tuesday, Stewart-Cousins said it was “unlikely” that she would call her members back for a special session before the end of the year. Some Democrats from both chambers discussed the prospect at the Somos legislative conference in Puerto Rico earlier this month, but both legislative leaders at the time cast doubt on the idea.

State lawmakers are set to return for their regularly scheduled session at the start of January, so a special session would only give them roughly a month’s head start on legislating. Trump is set to be inaugurated on Jan. 20, giving legislators at least a couple weeks at the start of the year if they want to pass new laws before he officially takes office.

In her statement Stewart-Cousins offered no specifics on what her priorities will be next year. “I think our priorities remain the same,” Stewart-Cousins said when asked about the next session by ABNY Chair Steve Rubenstein. “I think it’s what continues to bring us our success. We’re focused on the people that we serve; we’re focused on affordability.” Asked whether next year will be focused on combating Trump, Stewart-Cousins said her members would be “focused on the people of New York.”

Governor Hochul Has Hundreds Of Legislative Bills To Consider Prior To The End Of The Year

Governor Hochul has already signed a number of high-profile bills this year, but hundreds of pieces of legislation are still awaiting her approval or rejection. During the past legislative session, state lawmakers approved 805 bills in both chambers. With about a month and a half left in the year, Governor Hochul still needs to take action on 346 pieces of legislation. Right now, 144 bills, including the **Physician Assistant bill (S2124)**, are currently in the governor's office. That means that the state Legislature has delivered the legislation to Governor Hochul, kick-starting a 10-day clock for the governor to act on them. If Hochul doesn't take action within 10 days - excluding Sundays - the bill will automatically become law.

That means that there are 202 pieces of legislation that legislative leaders have not yet delivered to the governor. She has until the end of the year to either sign or veto each of the bills. Or at least, for the most part. Legislation can lapse into the new year when both houses officially gavel out, in which case she will have 30 days to act on the bills. At the end of that period, anything she hasn't taken action on will automatically get vetoed, referred to as a "pocket veto."

In total, Hochul has so far signed 457 bills and vetoed only one. The single veto this year the governor rejected (for the fourth time) was a bill that would have amended the retirement system for various law enforcement officers to align with those for most other police agencies in the state.

The governor has already signed a number of high-profile bills, including one expanding red light camera programs, but several more are still awaiting her approval or rejection. Here is some of the notable legislation awaiting action from Hochul.

"Wrongful Death Bill" (S8485/A9232)

This past legislative session is the third time that lawmakers have passed this bill, which would update the state's wrongful death statute to allow families to sue for emotional damages. Governor Hochul has [vetoed it twice before](#), citing concerns over unintended financial consequences on health care facilities. After the first veto, lawmakers made changes to the bill meant to address some of the governor's reservations, but she rejected it a second time. This year, legislators made minor additional changes, but given the lack of substantive changes it is likely the Governor will again veto the legislation. This bill has not yet been sent to the Governor.

Climate Change Superfund Act (S2129/A3351)

A major priority for climate activists, especially with the incoming Trump administration, the legislation would require major polluters to pay a combined \$3 billion a year into a fund to pay for resiliency projects for the next quarter century. It passed at the end of this year's legislative session as lawmakers debated a series of high-profile environmental measures. This bill has not yet been sent to the Governor.

Parole Board qualifications (S126/A586)

The state Board of Parole is pretty consistently missing members, putting an enormous amount of work on the board members who are serving as they make crucial determinations on the futures of incarcerated individuals. This bill from state Senator Sean Ryan and former Assembly Member Kenny Burgos aims to widen the pool of potential candidates by introducing alternate qualifications. Right now, appointees to the board need at least an undergraduate degree along with five years of relevant experience. The legislation would allow people without a degree who instead have 10 years of relevant experience to become eligible candidates for nomination as well. The bill has been sent to the governor's office.

Absentee ballot drop boxes (S610/A7243)

After failing to pass in the Assembly last year, both chambers approved a bill that would authorize secure drop boxes for absentee and mail-in ballots during elections. Drop boxes are used in other states with widespread mail-in voting options. They've been in the news recently after [fires were set in ballot boxes](#) in Washington and Oregon during the presidential election, raising concerns about the security of drop-off locations. The legislation to authorize their use from state Sen. Brad Hoylman-Sigal and Assembly Member Tony Simone has been delivered to the governor.

Lithium-ion battery safety (S6809/A6811)

Following a spate of deadly fires attributed to lithium-ion batteries, state Sen. Cordell Cleare and Assembly Member Yudelka Tapia introduced legislation meant to curb such fires as e-bikes become increasingly common in New York City. The bill would create a "safety program" to allow New Yorkers to exchange old and potentially faulty batteries for new ones or rebates. Hochul [signed a series of bills in July](#) meant to improve e-bike and lithium-ion battery safety, but this one was not included. It's possible that Hochul and lawmakers have been discussing possible chapter amendments to the bill over the past several months or negotiating more generally over whether the governor would sign it. This bill has not yet been sent to the Governor.

Jury of Our Peers Act (S206/A1432)

Right now, anyone who has been convicted of a felony is banned from serving on a jury for the rest of their life. The Jury of Our Peers Act would return that right to those who have served their sentence and completed all of their post-release conditions, such as probation. If signed, New York would join 21 other states and Washington, D.C., in allowing people with past felony convictions to serve on juries. This bill has not yet been sent to the Governor.

For more information, please click [here](#).

Officials Talk FY 2026 Budget: Rising Medicaid Costs And Revenue Growth

Recent [articles](#) noted that state officials met publicly on November 15 to discuss the foundation of New York's 2026 fiscal year (FY) budget. Their Quick Start Budget presentation showed the state's economy growing faster than previously predicted, with increased tax revenue driven by higher-than-expected wages and bonuses.

The Division of the Budget (DOB), the Assembly Ways and Means Committee, and the Senate Finance Committee predict slower growth next year and, in the years, following. Budget Director Blake Washington said that they had to plan carefully and make hard decisions to balance investments with upcoming monetary challenges.

The next budget process technically kicked off on October 29, when the [DOB released the Mid-Year Financial Plan](#) with updates on revenue collections, economic projections, and spending trends. It highlighted persistent inflation, slow job growth, and weak corporate tax receipts as threats to financial stability.

The labor and stock markets funded personal taxes and pass-through entity taxes, according to the report, yielding an extra \$2.1 billion in state money beyond what had been predicted for the last fiscal year. Yet, despite such strong revenues, growth should decline, and deficits could reach \$6.2 billion in 2026 and \$7.1 billion in 2027.

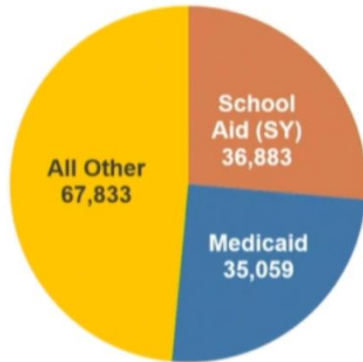
The state's \$21.6 billion reserves represent a financial cushion. However, old debts, pensions, and healthcare for retirees will likely drag down the budget for years to come. Other geopolitical issues like supply chain disruptions or policy changes from the incoming Trump administration could further impact revenues from corporate and income tax collections. Labor disputes, fuel price spikes, or federal cuts to public health and housing would pose more risks, as would more New Yorkers leaving the state or businesses hiring more remote workers from out-of-state.

Medicaid remains a massive and ongoing budget consideration. Forecasts connected rising Medicaid costs set to rise 12% annually to higher enrollment and more caseloads, inflation in the healthcare industry, and aging demographics. State spending on Medicaid could grow by \$23 million this year and reach \$35 billion by 2026, passing its statutory cap by \$2.2 billion that year.

Between Medicaid and school aid, "The two programs comprise roughly 83% of growth in the upcoming year," Washington said.

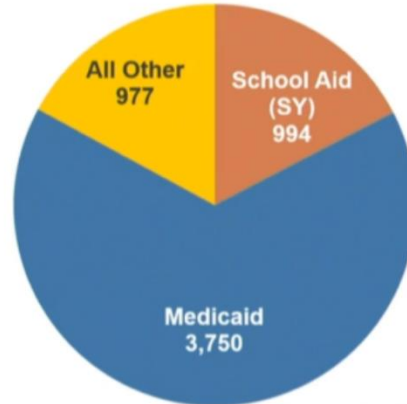
FY 2026 Estimated SOF Spending

FY 2026 Estimated Spending = \$139.8 Billion



FY 2026 Spending Growth= \$5.7 Billion

Medicaid 12.0%
School Aid 2.8%
All Other 1.5%



Wages are also growing slower than in previous years. While employment went up in healthcare and technology, jobs in finance and retail declined.

Joint Report on Receipts and Disbursements November 2024 linked [here](#).

Clean Slate Act Takes Effect

The [Clean Slate Act](#) took effect in NY 11/16/24. The Clean Slate Act will automatically seal NY conviction records for most civil purposes three years after the last misdemeanor conviction and eight years after the last felony conviction. The time starts running on the day the person is sentenced or released from incarceration, whichever is later. During that time, they cannot have any other criminal convictions. Once the three- or eight-year period expires, the government will automatically seal the conviction if they currently have no pending criminal charges and have completed any probation or parole for that conviction. The clean slate act does not seal out-of-state or federal convictions, sex offenses, or class A felonies, except for drug possession and sale.

Certain types of jobs will still have access and be able to review the sealed convictions, even if the conviction is sealed under Clean Slate.

These employment exceptions include:

- Entities that are allowed to run fingerprint-based background checks for work with vulnerable populations like children, the elderly, and people with disabilities
- Entities that are mandated by law to consider sealed records or run fingerprint-based background checks;

- The New York State Education Department (NYSED) for purposes including hiring in public, private, and religious schools, disciplinary proceedings, and licensing;
- Private transportation companies like Uber and Lyft; and
- Police and peace officers, which include corrections officers and some armed security guards employed by the government.
- Police, prosecutors, defense counsel, judges, and court officials will continue to have access to sealed records. Biometric information, including DNA and fingerprints, will remain accessible for law enforcement and prosecutors.
- Local, state, and federal agencies conducting background checks for firearm licenses.
- The Department of Motor Vehicles (DMV) will have access to driving-related sealed records.

Governor Hochul made a statement regarding the Clean Slate Act taking effect that states, "As we work to improve public safety and expand economic opportunity for all, the Clean Slate Act will play a critical role in helping New Yorkers find jobs, housing and opportunities in education. Starting today, individuals who have paid their debt to society, stayed out of the criminal justice system and are looking for a fresh start will begin to benefit from this landmark legislation. I was proud to work with my colleagues in the Legislature, including Senator Zellnor Myrie and Assembly Member Catalina Cruz, to craft a common-sense compromise that lets law enforcement monitor criminal activity while law-abiding individuals have a second chance. That's why we brought together a massive coalition of support – labor leaders, CEOs, advocates and prosecutors – to get this done and change the lives of millions."

For more information, please see the NYS Assembly page on Clean Slate linked [here](#).

OMIG To Host Second Health Care Provider Engagement Forum On December 18, 2024

The New York State Office of the Medicaid Inspector General (OMIG) will host a second health care provider engagement forum on Wednesday, December 18, 2024, in New York City at 90 Church Street, regarding OMIG's Medicaid program integrity efforts. This session follows the Nov. 18 Forum held at the Empire State Plaza in Albany.

The session will include updates on the agency's initiatives and opportunities for participants to provide input and ask questions. In-person attendance is available on a first-registered, first-served basis, as seating is limited. To ensure providers from across the state have an opportunity to participate, a virtual option is also available.

Providers interested in submitting input, questions or recommendations prior to the session are encouraged to complete OMIG's [Health Care Provider Engagement Session Feedback Form](#). Please Note: OMIG cannot consider, in any capacity, specific matters pertaining to audits or investigations that are currently before the agency. Questions about the event can be sent via email to information@omig.ny.gov.

Event Information And Registration

When: December 18, 2024; 10:30AM - 12:00PM EST

Location: 90 Church St., 4th Floor Conference Room, New York, NY, 10007

In-person registration: <https://forms.office.com/g/MW98Qjcs09>

Please note: If attending in person, please remember to bring a government-issued photo ID, as only those who registered for the event and who have a valid ID will be allowed access past building security.

Virtual

Registration: <https://totalwebcasting.com/view/?func=VOFF&id=nysomig&date=2024-12-18&seq=1>

Governor Hochul Issues New Regulations To Protect Consumers From Hiking Costs Of Prescription Medication

This week Governor Hochul announced new State regulations to protect New Yorkers from drug costs taking on business practices that lead to higher costs for consumers. New York will adopt new market conduct regulations to govern the Pharmacy Benefit Managers operating in New York State, helping to protect New Yorkers' access to prescription drugs, prohibiting business practices that increase the cost of certain drugs, and ensuring that small, independent pharmacies compete on a fair playing field with large pharmacies affiliated with Pharmacy Benefit Managers.

"New Yorkers deserve access to affordable and fair-priced prescription drugs, and today's regulations ensure that consumers and small pharmacies are protected from unfair business practices," Governor Hochul said. "We are leveling the playing field for independent pharmacies, while promoting competition and empowering consumers. These new measures will improve access to essential medications, eliminate anti-competitive practices, and make certain that the health care system works for everyone, not just the big players."

In 2021, Governor Hochul signed [legislation](#) to bring transparency and a comprehensive regulatory structure to Pharmacy Benefit Managers (PBMs). The legislation requires licensure for PBMs and specifies their duties and obligations as service providers. This piece of legislation also allows the Department of Financial Services to receive complaints when a PBM violates the law and ensures PBMs abide by standards established by law and regulation.

Additionally, Governor Hochul directed the Department of Financial Services (DFS) to develop regulations that would address conflicts of interest and unfair claims practices by these companies.

The market conduct regulations require the following:

- **Allow Home Delivery** – Prohibit PBMs from barring any in-network pharmacies from providing mail order or delivery services, which will increase patients’ access to home delivery from their community pharmacy;
- **List Pharmacy Directories** – Increase transparency to consumers and employers by requiring PBMs to list formularies and pharmacy directories online, and prohibiting PBMs from punishing a consumer who relies on said information;
- **Address Consumer Inquiries** – Require PBMs to post a telephone number and email address for consumers to direct their questions to, and PBMs must respond in a reasonable amount of time;
- **Prohibit Steering** – Prohibit anti-competitive practices that steer consumers away from their community pharmacy to larger pharmacies affiliated with the PBM;
- **Treat Pharmacies Fairly** – Prohibit PBMs from unfairly passing losses onto pharmacies when the PBM mistakenly approved dispensing a drug and then seeks to retroactively deny reimbursement to the pharmacy;
- **Allow Electronic Submissions** – Reduce administrative burdens and costs on small pharmacies by allowing them to submit information to and receive information from PBMs electronically; and
- **Apply Same Standards** – Prevent the abuse of audits against small pharmacies who are not affiliated with a PBM by requiring PBMs to apply the same audit standards across all in-network pharmacies.

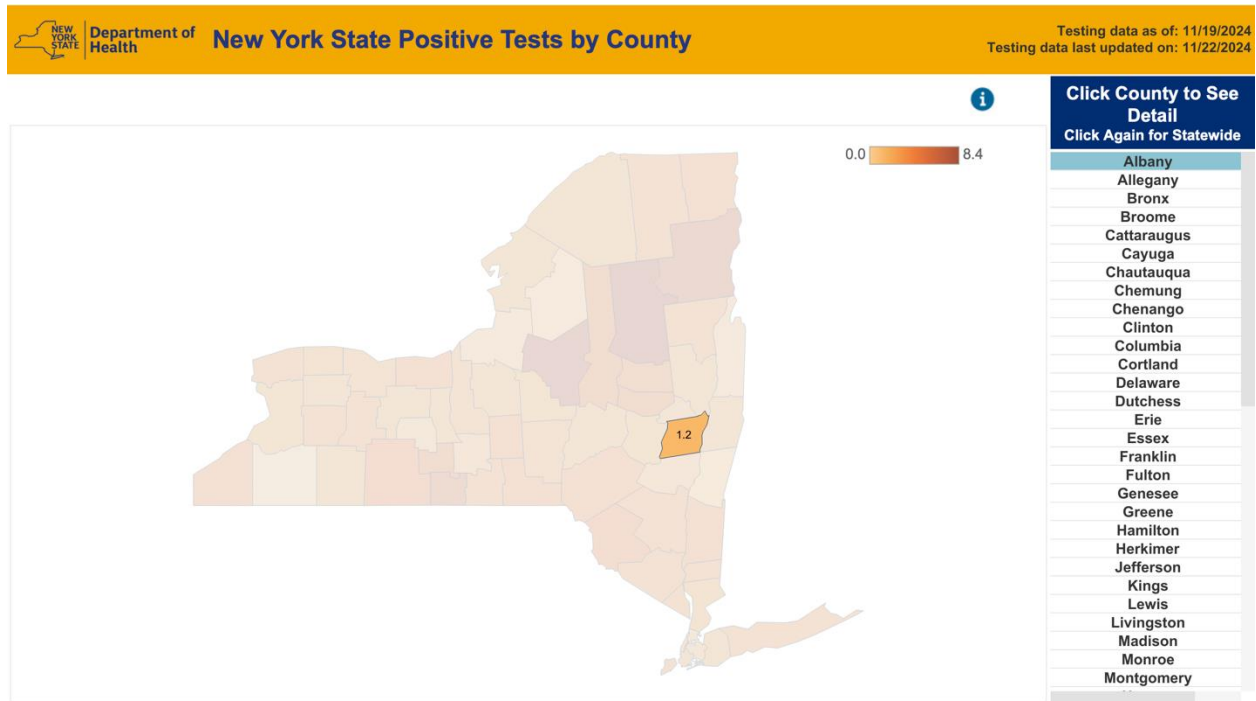
Pharmacist Society of the State of New York President Danny Dang said, “The Pharmacists Society of the State of New York (PSSNY) has been in support of the registration and regulation of pharmacy benefit managers (PBM) for decades. Our members have seen the results of PBM abuses and the unfair treatment of patients and pharmacists. PSSNY wholeheartedly supports the adoption of the new DFS regulations and thanks Governor Hochul for taking what we hope is a first step in protecting the public and pharmacists.”

State Senator Gustavo Rivera said, “I commend these new regulations, which will provide much-needed transparency, protect small businesses, and ensure that independent pharmacies can compete on a fair playing field. Every step we take to ease the extreme financial distress caused by the ever-rising cost of healthcare is important. I want to thank Governor Hochul and Superintendent Harris for continuing their work to protect New Yorkers from unnecessarily high drug prices.”

A copy of the adopted regulations can be found on the [Department’s website](#). They will be published in the State Register on November 27, 2024. To view the full press release click [here](#).

NYS COVID-19 Monitoring Dashboard

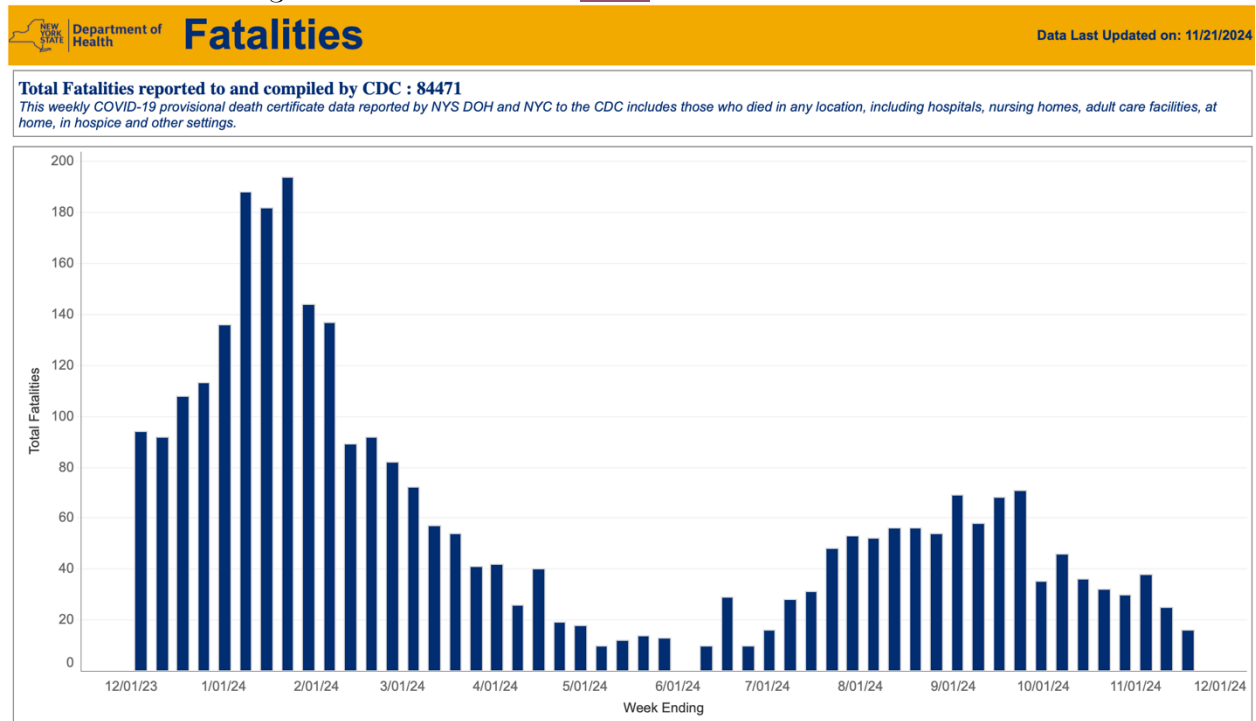
Below we have included the link to the State’s Testing Tracker which includes the State’s overall testing status--by clicking on the link above you can view the testing results by county. This data is current through November 21, 2024.



Use this link to view the State's updated [COVID-19 Hub](#).

NYS COVID-19 Fatalities Tracker

Below we have included the Fatalities Tracker with the webpage where updated numbers can be found throughout the week linked [here](#).



Helpful Links and Resources

[Center for Disease Control and Prevention](#)

Department of Financial Services information and resources
New York COVID-19 Vaccine Information Page

Department of Health

<https://coronavirus.health.ny.gov/home>

COVID-19 Guidance for Medicaid Providers

Office of Mental Health

<https://omh.ny.gov/omhweb/covid-19-resources.html>

OPWDD

<https://opwdd.ny.gov/coronavirus-guidance>

State Education Department

<http://www.op.nysed.gov/COVID-19.html>

NYS Department of Labor

<https://dol.ny.gov/>