

1 **2022 NYSAC Fall Seminar**  
2 **Standing Committee on Public Health/Mental Health**  
3 **Resolution #3**

4 **Resolution in Support of Issuing Relief to Local Health Departments by**  
5 **Requiring the State Commissioner of Health to Waive the Cost Reporting**  
6 **Requirement for Municipal Licensed Home Care Service Agencies**  
7 **(LHCSAs)**

8 **WHEREAS**, the 2018-19 budget enacted a number of changes related to Licensed  
9 Home Care Services Agencies, including a requirement to submit an annual cost report  
10 to address issues related to the 56 percent increase in the number of LHCSAs between  
11 2012-2018, as well as unexpected increases in Managed Long Term Care Enrollment;  
12 and

13  
14 **WHEREAS**, the previous state budget actions intended to address concerns related to  
15 this significant growth in the industry; and

16  
17 **WHEREAS**, local health departments (LHDs) who are not certified home health  
18 agencies are required by the New York State Department of Health (NYSDOH) to  
19 maintain licensure as a LHCSA because public health nurses deliver some public health  
20 services in the home setting; and

21  
22 **WHEREAS**, most LHDs provide only a limited set of services that are needed to  
23 support their mandated, core public health activities, as defined under Article 6 of the  
24 Public Health Law; and

25  
26 **WHEREAS**, LHDs typically have minimal activity and little to no fee revenue  
27 associated with these services, which are typically visits related to maternal child health  
28 or elevated blood lead levels in a child; and

29  
30 **WHEREAS**, these public health services are part of core public health services  
31 provided under Article Six of the Public Health Law exclusively by LHDs; and

32  
33 **WHEREAS**, the current statutory cost reporting requirement is burdensome to the  
34 already stretched public health workforce and does not provide valuable information to  
35 the State regarding costs and patterns of services within the LHCSA industry overall;  
36 and

37  
38 **WHEREAS**, change to the cost reporting requirement will provide mandate relief for  
39 counties and the City of New York and remove unnecessary costs to the taxpayers by  
40 relieving the administrative burden and expense of submitting costs reports when  
41 minimal to no revenue is associated with these public health services.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of  
2 Counties (NYSAC) calls on the Governor and State Legislature to enact legislation as  
3 part of the FY 2024 State Budget regarding the submission of cost reports by municipal  
4 LHCSAs, with eligibility based on delivering core public health services; and

5  
6 **BE IT FURTHER RESOLVED**, NYSAC recommends that the State Budget legislation  
7 add the following language to Public Health Law section 3612 subdivision 8:

8 (e) the commissioner shall waive the cost report requirements of subdivision 8  
9 for municipalities operating a licensed home care services agency solely for the  
10 purpose of providing core public health services as defined in Section 602 of the  
11 public health law. Eligibility shall be determined by the department based on the  
12 municipality's state aid application pursuant to section 606 subdivision (3) of the  
13 public health law; and

14 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties  
15 of New York encouraging member counties to enact similar resolutions; and

16  
17 **BE IT FURTHER RESOLVED** that New York State Association of Counties shall  
18 forward copies of this resolution to The Governor of the State of New York, the New  
19 York State Legislature, NYSDOH Commissioner Mary Bassett, and all others deemed  
20 necessary and proper.