

New York State Legislation (A09034 Assemblyman Steck/ S08599 Senator Mayer) Will Establish New Family Complex Care Assistant Program for Medically Fragile Children

Current State

New York families whose medically fragile children qualify for Private Duty Nursing are struggling to receive the services they need. Current Medicaid rules prohibit family members from being employed by an agency to provide reasonable and necessary physician-ordered services to treat their child's medical condition. As such, they have the following options to ensure the needs of their child are met:

- Engage a home healthcare company to provide Private Duty Nursing care.
- Place the child in Pediatric Medical Day Care (limited in New York State , and does not meet level of care for many medically fragile children).
- Institutionalize their child in a long-term care facility (343% higher cost than home care).
- Care for the child independently inherently eliminating any ability to maintain separate employment, often driving families towards burn out , divorce and financial instability . This also drives up the total cost of care from hospitalizations and institutional care

Nursing Shortage Crisis

That nationwide nursing shortage has created access-to-care barriers for medically fragile children in need of critical in home private duty nursing services. The percentage of children with medical fragility is steadily increasing and private duty nursing services in the home prevents long term institutionalization and unnecessary hospitalizations.

Current RN/LPN reimbursement rates for New York Medicaid remain lower than national home care averages. Due to the low rates Private Duty Nursing Agencies are barely breaking even and have difficulty remaining in business. Currently:

Over 90% of the New York RN/LPN in -hospital workforce average pay rates are higher than current Medicaid home care rates , leaving less than 10% of an already limited workforce to cover the care needs of medically fragile children across the state.

This has created an unsolvable dynamic within the current benefit structure and care model.

The Family Complex Care Assistant Program provides a solution to the current care crisis detailed above and offers an alternative lower-cost care model that drives better outcomes.

Using a new higher level of care benefit structure within New York Medicaid and a new certified discipline allowing skilled tasks under its scope of practice, a Home Care agency would allow a parent or family member to become a Complex Care Assistant , giving them the ability to provide skilled care services for their loved one while operating under the supervision and guidance of a Registered Nurse

The parent or family member would go through the state-mandated training required to become a complex care assistance. The parent or family member would then be hired by the Home Care agency to provide physician-ordered, skilled care to their child or loved one. All facets of employment will adhere to state regulations, board of nursing rules, labor laws, accreditation standards, and agency policies and procedures.

NEXT STEPS

SHARE THIS INFORMATION WITH FAMILIES, PROVIDERS AND YOUR LEGISLATORS

**TO CONTACT YOUR LEGISLATOR TO TELL THEM
TO SUPPORT THIS CRITICAL LEGISLATION GO TO**

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