

Client Alert

December 31, 2024

WISHING YOU A WONDERFUL
HOLIDAY SEASON
AND A
HAPPY & HEALTHY NEW YEAR!

LHCSA Registration and Statistical Report Deadlines

The deadline for completing your LHCSA registration is December 31, 2024. A LHCSA may register by submitting the HERDS LHCSA Registration Short Form by **December 31, 2024**, and submitting the 2023 LHCSA Statistical Report by close of business on **January 31, 2025**. Please note that your LHCSA registration will not be considered fully effective until the Statistical Report is submitted. Failure to submit either of these required documents by the specified deadlines may result in severe penalties, including:

- A \$500 fine for each month (or part of a month), that the LHCSA is not registered.
- Not being able to operate as a LHCSA until registration.
- Revocation of license of any LHCSA that fails to register timely for two years (does not have to be consecutive).

The Registration Short Form is available on the Health Commerce System (HCS). Please monitor HCS for updates, including instructions for completing a LHCSA Registration Short Form, downloading the UDCS application and Statistical Report forms.

Corporate Transparency Act Remains on Hold

As of December 30, 2024, the beneficial ownership information (BOI) reporting requirements remain on hold.

As previously reported, the Federal Corporate Transparency Act (CTA) requires most registered business entities to file BOI reports with the Financial Crimes Enforcement Network (FinCEN) by January 1, 2025.

On December 3, 2024, a Texas Federal court in *Texas Top Cop Shop, Inc., et al. v. Garland, et al.*, No. 4:24-cv-00478 (E.D. Tex.) issued a preliminary injunction that blocked enforcement of the CTA and regulations implementing its BOI reporting requirements, and stayed all deadlines to comply with the CTA's reporting requirements.

On December 23, 2024, a motions panel of the United States Court of Appeals for the Fifth Circuit lifted the order blocking enforcement of the CTA, reinstating the BOI reporting requirements. The court said that the government "made a strong showing that it is likely to succeed on the merits in defending CTA's constitutionality," and that a reporting requirement for entities engaged in these economic activities falls within "more than a century of [the Supreme] Court's Commerce Clause jurisprudence." In light of this ruling,

FinCEN extended the deadline for reporting companies to file their initial BOI reports to January 13, 2025.

However, on December 26, 2024, a merits panel of the United States Court of Appeals for the Fifth Circuit vacated the Court's December 23, 2024 stay, "in order to preserve the constitutional status quo while the merits panel considers the parties' weighty substantive arguments." This means that unless and until a higher court reverses this order, the injunction issued by the district court in *Texas Top Cop Shop, Inc. v. Garland* remains in effect. Therefore, reporting companies do not need to comply with the CTA's reporting requirement and upcoming deadline, and are not subject to liability if they fail to do so while the order remains in force.

There is no guarantee that the Fifth Circuit's decision will be upheld on appeal. Given this lack of certainty, we recommend that business owners prepare for the reporting requirement by compiling the information required for the report, but do not file until there is a final determination by the court.

2025 New York Minimum Wage Increases

The New York statutory minimum wage increase will go into effect on January 1, 2025. Home care aides will see a \$0.55 increase to their minimum hourly wage.

For home care aides, the minimum wage for New York City, Long Island, and Westchester county will increase to \$19.10 per hour and to \$18.10 per hour for the rest of the state.

Home care aides in New York City, Nassau, Suffolk and Westchester Counties are subject to Worker Wage Parity requirements, which will not change and are currently \$2.54 in New York City and \$1.67 in Nassau, Suffolk and Westchester Counties.

Other New York workers will have an increase in their minimum wages as well. Currently, the minimum wage for New York City, Long Island, and Westchester County is \$16 per hour, and the minimum wage for the rest of the state is \$15 per hour. Those rates will increase to \$16.50 for New York City, Long Island, and Westchester County and \$15.50 for the rest of the state.

Date of Increase	Home Care Minimum Wage	Wage Parity	Total Compensation
January 1, 2025	\$19.10 NYC	\$2.54	\$21.64
	\$19.10 Nassau, Suffolk, Westchester	\$1.67	\$20.77
	\$18.10 Remainder of State	\$0	\$18.10

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REPRESENTING HOME HEALTH CARE AGENCIES
IN NEW YORK STATE

68 South Service Road ♦ Suite 100 ♦
Melville, NY 11747

P: 516.304.5858 ♦ F: 516.304.5855
www.glaserweiner.com

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Glaser & Weiner, P.C. | 68 South Service Road Suite 100 | Melville, NY 11747 US

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