

Client Alert

December 17, 2024

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

Department of Health Issues Statewide Fiscal Intermediary Transition Policy

On December 6, 2024, the New York State Department of Health issued the CDPAP Statewide Fiscal Intermediary ("SFI") Transition Policy that provides guidance, effective immediately, for current Fiscal Intermediaries ("FIs") who were not selected as the SFI or approved as a subcontractor, and for current FIs that were approved by the Department as subcontractors.

Fiscal Intermediaries that were not awarded SFI or approved as a Subcontractor FIs not awarded a contract as the SFI or approved by the Department to be subcontracted with the SFI must stop providing services by 11:59 pm on March 31, 2025. At least 45 days prior to discontinuing operations, FIs must notify CDPAP consumers, Personal Assistants (PAs), the Local District of Social Services (LDSS), Managed Care Plans, and the NYS Department of Health (DOH). Notices must be sent using a template provided by DOH. These notices must be sent via HIPAA-compliant email to StatewideFI@health.ny.gov, subject line "FI Withdrawal Notices."

Also, by January 15, 2025, DOH has requested that current FIs transfer CDPAP consumer and PA data to Managed Care Plans (for managed care enrollees) and/or the DOH (for fee-for-service members). The data must follow DOH's template and include:

- Consumer CIN
- Designated Representative and contact information (if applicable)
- Consumer contact information (phone number, email address)
- Consumer preferred language
- PA(s) for each Consumer
- PA contact information (phone number, email address)
- PA wage information

Fiscal Intermediaries that were approved by the Department as Subcontractors Similarly, FIs that were approved as a subcontractor must provide notice, according to the templates provided by the Department, to its CDPAP consumers, PAs, the LDSS, and the Department. However, these notices should be provided beginning, but no sooner than January 6, 2025. For data transfers of CDPAP consumer and PA information, approved subcontractors must follow the process outlined in their contract with PPL.

New York Publishes FAQs on Paid Prenatal Leave

New York State recently published Frequently Asked Questions (FAQs) to clarify the requirement of Paid Prenatal Leave.

As a reminder, effective January 1, 2025, New York State employers are required to provide employees with twenty hours of paid prenatal personal leave, in addition to sick and safe leave. This leave covers health care services related to pregnancy, including medical procedures, exams, and consultations.

Below is a summary of certain clarifications on Paid Prenatal Leave from the FAQs:

- An employee appointment relating to prenatal health care services may be covered by NYS Sick Leave in addition to Paid Prenatal Leave, however an employer cannot require an employee to choose one leave type over the other or require employees to exhaust one leave type before using the other. Employees are entitled to twenty (20) hours of additional leave in addition to any other leave options.
- All private employers, regardless of size, must comply with Paid Prenatal Leave requirements.
- Paid Prenatal Leave may only be used by the employee directly, and not for pregnancy related health care services provided to their spouses, partners, or the support person.
- Employees automatically receive 20 hours of Paid Prenatal Leave, without needing to accrue based on hours worked.
- Paid Prenatal Leave must be used in hourly increments.
- The health care services that are covered during an employee's pregnancy or related to such pregnancy include: physical examination, medical procedures, monitoring and testing, and discussions with health care provider related to pregnancy.
- Paid Prenatal leave applies to fertility treatment or care appointments including in vitro fertilization and end-of-pregnancy care appointments.
- Paid Prenatal leave does not apply to postnatal or postpartum care.
- Employers cannot require employees disclosing confidential information about their health as a condition of using Paid Prenatal Leave.
- Employees should request time off using the procedures already in place for requesting any other types of time off.
- Employees may use Paid Prenatal Leave on more than one pregnancy per year, but only 20 hours are available in a 52-week period.
- Employers are not required to pay for unused Paid Prenatal Leave or record balances on employee pay stubs.

Nationwide Injunction On Corporate Transparency Act

As reported in a previous newsletter, the Federal Corporate Transparency Act (CTA) requires most registered business entities to file beneficial ownership information (BOI) reports with the Financial Crimes Enforcement Network (FinCEN) by January 1, 2025.

However, 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 blocks enforcement of the CTA and regulations implementing its BOI reporting requirements, and stays all deadlines to comply with the CTA's reporting requirements. The Department of Justice filed a Notice of Appeal to this ruling on December 5, 2024.

This means that unless and until a higher court reverses this order, 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. According to an alert released by FinCEN, reporting companies may nevertheless voluntarily submit BOI reports.

There is no guarantee that the Texas 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.

LHCSA Statistical Reports Due December 31, 2024

The Licensed Home Care Agency ("LHCSA") Statistical Report for 2023 is due on December 31, 2024. Successfully submitting a Statistical Report also enables a LHCSA to register with the Department of Health ("DOH") for the year 2025, as required by Section 3605-b of the Public Health Law. The registration status of a LHCSA is publicly posted on the DOH's Health Data NY website.

Penalties for failure to register are severe:

- 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 Statistical Report will use the DOH's Universal Data Collection System ("UDCS") platform. Only the Health Commerce System ("HCS") "Administrators" will be allowed to submit the report. The UDCS application and Statistical Report form(s) must be downloaded from HCS. The LHCSA Administrators from past submissions of the Statistical Report are loaded on the Healthcare Financial Data Gateway. If you are unable to access the report, please email HCStatRpts@health.ny.gov to confirm required permissions to access the UDCS platform.

Please monitor HCS for updates, including instructions for downloading the UDCS application and Statistical Report forms.

Funding opportunity for PCATP

The Department of Health (DOH) has released a Request for Applications (RFA) with approximately \$40 million in grant funding for the purpose of establishing Direct Caregiver Flexibility Training Centers ("Training Center") in ten (10) Economic Development Regions ("EDR") throughout the State.

Funding of over \$400,000 per year will be awarded to at least one Training Center per EDR. Grant amounts for each Training Center are the same for each region, and all regions have a maximum of two Training Centers, except New York City, where five Training Centers (one per county) are planned. The grant will be administered over two periods (years 1-2, and years 3-5).

The Training Centers are intended to provide a "universal, easy way to access" training programs in New York, and to concentrate the direct caregiver training opportunities into a regional center to increase the pipeline of individuals trained and able to work in direct care jobs. Applicants must be either:

- A New York State DOH licensed Article 28 facility approved CNA training program; or
- A New York State DOH licensed Article 36 organization approved PCA and HHA training program; or
- A State Education Department approved PCA, HHA or CNA training program.

Applicants that do not currently offer all three trainings (PCA, HHA, CNA) as required by the RFA may be able to accomplish this through subcontracts with approved training programs that can supplement the Training Center's training so that all three titles can be included. In addition, Training Centers are expected to be able to provide or make available Alternative Competency Demonstration ("ACD"), which can be done through a contract with a provider approved for ACD. Applicants may submit their approved program for more than one region but must use a separate application for each. Approved hybrid (in-person/remote) programs are eligible to apply.

Applications are due January 21, 2025. For further questions or to assist in completing your application, contact our office.

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.

Contact out office with any questions regarding these increases.

Date of Increase	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

--

DISCLAIMER

The information contained herein is provided by Glaser & Weiner, P.C. for informational purposes only. These materials should not be considered as, or as a substitute for, legal advice and they are not intended to nor do they create an attorney-client relationship. Because the materials included here are general, they may not apply to your individual legal or factual circumstances.

The information contained herein may be modified or rendered incorrect by future legislative or judicial developments. You should not take (or refrain from taking) any action based on the information you obtain from these materials without first obtaining professional counsel. It is possible that under the laws, rules or regulations of certain jurisdictions, this may be construed as an advertisement or solicitation. © 2024 Glaser & Weiner, P.C. All Rights Reserved.



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

ATTORNEY ADVERTISING

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

[Unsubscribe](#) | [Update Profile](#) | [Constant Contact Data Notice](#)



Try email marketing for free today!