

# Client Alert

## May 7, 2021

### Bill to Repeal the LHCSA RFO Introduced

On May 5, 2021, NY State Assemblyman Richard Gottfried introduced Assembly Bill [A7304](#), which would repeal Section 3605-c of the Public Health Law, which was enacted in 2020. Section 3605-c required the Department of Health to solicit applications from licensed home care services agencies (LHCSAs) and award contracts to an arbitrary number of LHCSAs, which would allow them to continue providing home care services to Medicaid recipients. In his justification for the Bill, Assemblyman Gottfried stated- "The 2020 enactment of Section 3605-c to require LHCSA to compete for an arbitrarily limited number of contracts with DOH in order continue operation in the Medicaid program, was an erroneous overreach. This is a misguided and underhanded attempt to choke off the availability - and use - of home care under Medicaid."

We will keep you posted on the status of the Bill. As drafted, the Bill would be effective immediately if signed into law.

### Governor Cuomo Signs the HERO Act

On May 5, 2021, Governor Cuomo signed the HERO Act, which amends Section 218-b of the Labor Law and directs the Department of Labor, in consultation with the Department of Health, to create and publish, model airborne infectious disease prevention standards for all work sites, differentiated by industry, and to establish minimum requirements for preventing exposure to airborne infectious diseases in the workplace in order to protect the public and the workforce.

Prior to signing the bill into law, the Governor and state legislative leaders agreed to an amendment that would make technical changes, including giving the Department of Labor and employers more specific instructions in developing and implementing the workplace standards, including a clear timeline, and providing for an immediate requirement for employers to cure violations in order to better protect the safety of workers, and limit lengthy court litigation to those private rights of action in limited circumstances where employers are acting in bad faith and failing to cure deficiencies.

We will update you when the Department of Labor issues model standards and rules. Employers should review their current operations with an eye towards airborne infectious disease prevention.

We previously reported on the details of the HERO Act in our May 4 Client Alert, accessible [here](#). Please contact our office with any questions regarding the implementation of the law.

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