

Joint Budget Hearings Conclude as Legislature Heads on Week-Long Break

While a nor'easter slammed most of New York on Sunday into Monday burying parts of the state were under more than a foot of snow, it did not stop the wheels of the legislative and budget process from continuing as the Legislature held its final five budget hearings covering Environmental Conservation, Elementary and Secondary Education, Transportation, Health/Medicaid, and Housing. To put things into perspective, the thirteen budget hearings lasted more than 80 hours, factoring in testimony as well as questions and answers. While the transcripts from all of the hearings have not yet been posted, it is safe to assure it will run into the thousands of pages. The video and transcripts from the hearings will be posted at: <http://nyassembly.gov/2017budget/?sec=video>.

RAISING THE AGE (RTA) GAINS MOMENTUM:

ASSEMBLY PASSES (RTA) LEGISLATION LAYING GROUND WORK FOR CONTINUED ADVOCACY AND NEGOTIATION

Raise the age continued to receive significant attention in Albany as the mainline Senate Democratic Conference Leader Andrea Stewart-Cousins renewed the call for passage of legislation that raises the age and includes other pertinent juvenile justice reforms. Meanwhile, across the hall, the Assembly Majority passed a criminal justice reform package, consisting of twelve bills, including the legislation to raise the age of criminal responsibility from sixteen to eighteen, passing by a margin of nearly two-to-one. Among the package of bills passed was legislation to be known as "Kalief's Law" which is aimed at assuring cases proceed to trial in a reasonable timeframe, prohibiting the use of solitary confinement/segregation for certain populations, and limiting the ability of employers to inquire about a criminal conviction of a prospective employee, better known to many as "banning the box."

The passage of these bills was preceded by an Assembly Majority press conference led by Speaker Carl Heastie (D-Bronx). FTNYS CEO Paige Pierce and NASW-NYS Executive Director, Ron Bunce joined the Speaker Heastie and Assemblymembers highlighting the pressing need and urgency to pass raise the age the legislation with the Speaker stating, "Today 16 and 17 year olds are still being sentenced to adult correctional facilities where we know they do not belong. Today we will pass a measure to move these cases to Family Court. We must work with our partners in government to enact this bill THIS SESSION. The Assembly Majority is committed to giving young people the intervention and guidance they need so they can be productive members of society."

The passage of the bill in the Assembly is major step forward in the legislative process, which is juxtaposed by the Governor's proposal and forth coming plan from the Senate Independent Democratic Conference.

HIGHLIGHTS FROM HEALTH/MEDICAID BUDGET HEARING

The Health/Medicaid joint budget hearing was held on Thursday, February 16, 2017, led by testimony from Commissioner of Health Howard Zucker, M.D., J.D., Medicaid Director Jason Helgeson, Superintendent of Financial Services Maria Vullo, Office of Medicaid Inspector General Dennis Rosen, and more than fifty interested groups and stakeholders, lasting more than ten hours. Here are some of the areas addressed in testimony as well as in questions and answers:

Raise the Age

"Personally I'm embarrassed to be the only speaker of color in the nation, and we haven't accomplished this in New York. ... This one is really personal to me, because I think there's a lot of young people's futures riding on myself and the Assembly's ability to finally get this accomplished." ~ Assembly Speaker Carl Heastie, 2.15.2017

"My brain was not fully developed enough to understand the potential consequences of some of the decisions I was making." Jim St. Germaine, Raise the Age Advocate, 2.14.2014

Plan to Combat Rising Cost of Prescription Drugs Under Scrutiny as Pharmaceutical Research and Manufacturers of America Launches Campaign to Oppose

The Governor's proposal to cap the prices of certain drugs and impose a surcharge on manufacturers who exceed such a benchmark price received quite a bit of attention at the hearing with lawmakers questioning the legality of a program and if it would withstand a court challenge. The Commissioner of Health and Medicaid Director are confident of such with the Medicaid Director stating, "We considered and worked on this project and proposal for a good long time because we are well aware that other states have had proposals challenged in the courts. We are confident the governor's proposal will stand up to any legal scrutiny." The New York Health Plan Association was one of the groups that testified in support of the proposal citing the need to address the cost prescription drugs and the impact of such on health insurance premiums.

Meanwhile, the Pharmaceutical Research and Manufacturers of America is launching a campaign to oppose the proposal, to be known as "Prescribe Real Solutions," which will include online ads, a new website and events across the State. The group also notes that similar laws have been struck down by the courts. (For additional information, refer to press clip from *New York Daily News*, "Pharmaceutical group to launch campaign against Gov. Cuomo's plan to control prescription drug prices")

Health Care Regulation Modernization Team

Many legislators and advocates, including NASW-NYS and NYC and the New York State Society for Clinical Social Work are raising concerns over the budget proposal to establish the Health Care Regulation Modernization Team, which would have the authority to examine scopes of practice while also empowering the Commissioners of Health, the Office of Mental Health and Office of Alcoholism and Substance Abuse Services to establish demonstration projects that are not otherwise currently permitted under law or regulation. Many testifying argued the Legislature must maintain a role in the decision-making process and evaluating such proposals or recommendations.

Budget Authority for Executive and Commissioner of Health

The Legislature also pushed back on giving the Governor and Commissioner of Health the authority to make unilateral changes in the budget in the event of an emergency such as a reduction in federal aid, a proposal that Senator Hannon (R-Garden City), chair of the Senate Health Committee, said was "an extraordinary request for powers that have hitherto not been seen with the executive."

30 DAY BUDGET AMENDMENTS

Governor's office released the 30-day budget amendments late on Thursday evening. We are reviewing the proposed changes in the 30-day amendments and will provide an update in the days ahead. From our preliminary review of the changes, we note the following:

- Regarding the Department of Financial Services, the appropriation in the Aid to Localities budget was amended to include federal funds received for the purposes of enforcing parity in mental health and substance use disorder benefits.