

October 29, 2024

Brian K. Mahanna,
Counsel to the Governor
Executive Chamber, New York State Capitol
Albany, New York 12224

Re: S.9049/A.9204

Dear Mr. Mahanna,

On behalf of the Suburban Hospital Alliance of New York State, which represents hospitals and health systems on Long Island and in the Hudson Valley, I write to express my concerns regarding S.9049/A.9204. This legislation amends section 2805-x of the Public Health Law, the Hospital-Home Care-Physician Collaboration Program.

The Hospital-Home Care-Physician Collaboration Program was established in statute a decade ago to provide a mechanism for innovation, allow for providers to develop new models of coordinating care, and identify efficiencies. Thanks to the flexibilities afforded by section 2805-x and backed by philanthropic funds, the Suburban Hospital Alliance has helped coordinate such initiatives between our member hospitals and home care partners. We have seen the benefits of these cross-sector collaborations on patient care first-hand: better communication between providers leading to better integrated care for patients.

Rather than fostering the kind of promising results we're seeing in pilot programs and looking for opportunities to build on them, S.9049/A.9204 threatens this progress. For every request to waive regulations, even for minor flexibilities, the Commissioner of Health would essentially have to go through the same process required for issuing a new regulation. This wholly undermines the intent of the program.

It is our understanding that supporters of the bill specifically seek to ensure that the Commissioner cannot waive statute or Certificate of Need (CON) approval. However, there is no authority to waive statute granted by section 2805-x, only the Department's own regulations, nor are we aware of any case in which the Commissioner has used this authority to grant waivers of the CON approval process. Legislation with a much narrower scope could have addressed that concern without undermining promising partnerships that complement that Department's own healthcare reform goals and Medicaid waiver initiatives.

For these reasons, we urge Governor Hochul's disapproval of S.9049/A.9204. We would be happy to work with the Legislature next year on more limited legislation that addresses concerns about CON or statutory waivers but preserves the ability for providers to collaborate effectively.

Sincerely,

/s/ Wendy D. Darwell

Wendy D. Darwell
President and CEO