



February 1, 2022

**Statement in Support**  
A.8006 (Gottfried)/ S. 7626 (Rivera)

***An act to amend the Public Health Law and the Social Services Law, in relation to authorizing residents of assisted living programs (ALPs) to receive hospice services***

The Hospice and Palliative Care Association of New York State (HPCANYS) is a not-for-profit organization representing hospice and palliative care programs, allied organizations and individuals that are interested in the development and growth of quality, comprehensive end-of-life services. Our vision is that all persons who are seriously ill receive a full spectrum of care to maximize their quality of life according to their own values, goals, and preferences.

Hospice programs provide medical and social supports to individuals with a life-limiting illness so that they receive end-of-life palliative care in their chosen environment. New York State and Federal regulations allow hospice care to be provided in both home-based and institutional settings, including the individual's home, the home of a relative or friend, free-standing Hospice residences, skilled nursing facilities, and in general hospitals.

However, since 2002, New York State has required ALP-enrolled residents who choose Hospice care to disenroll from the ALP, which results in both the loss of time and home care services needed by the patient. Medicare maximization is an established state policy, and when the ALP was created in the early 1990's, the rates were set with the understanding that Medicare would be the payer for some of the services included in the rate. Providers and advocates for both hospice and assisted living programs are in agreement with the need to preserve health care access and choice. New York State must assure the right of ALP residents to access the hospice benefit that is made available to all other New Yorkers at the end-of-life.

Complex regulations and practices exist that interfere with hospice access for ALP residents. We support the language of the bill directing the Commissioner of Health to convene a workgroup to provide recommendations to address the coordination, division of services, responsibilities and the prohibitive reimbursement processes that limit access to the hospice benefit.

***Restoring and preserving health care rights of all New Yorkers with a life-limiting illness is paramount. Therefore, the Association strongly supports the immediate passage and prompt enactment of this legislation.***