



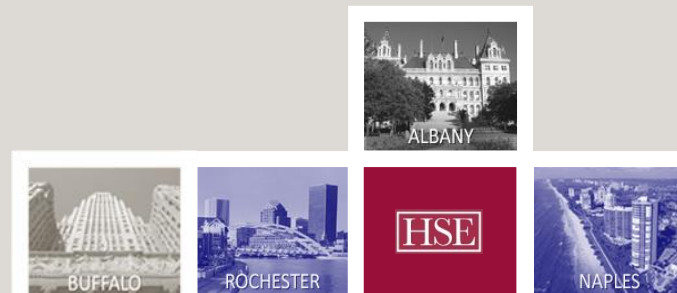
Harter Secrest & Emery LLP

ATTORNEYS AND COUNSELORS

# 2018 New York State Legislative Update

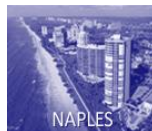
# Who Am I

- My firm and I are legislative counsel to the New York State Clinical Laboratory Association
- We work with the Senate, Assembly, Governor and State Agencies on issues of importance to the industry



# What do I do

- We track legislation and regulations as they are introduced and weigh in as appropriate
  - Legislation vs. regulation
    - In order to change a statute or create a new law in New York, you must introduce legislation to effect that change
    - Regulations implement the details of the statute
    - So, to change regulations you can work with the executive agency to effect change or you can work with the legislature to change the original law that the regulation was based on
- We work on passing legislation as well as opposing legislation that would negatively impact the industry



# Albany 101

## *Part One - The Legislative Branch*

### The New York State Legislature:

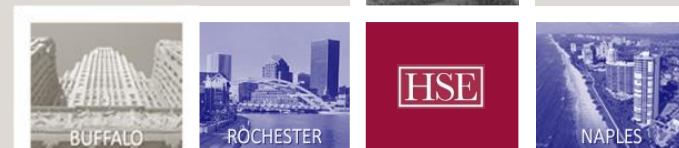
- Two-house legislature – Senate and Assembly
- 213 members in Senate and Assembly
- All members serve 2 year terms regardless of which house they serve in



# Albany 101

## The Assembly -

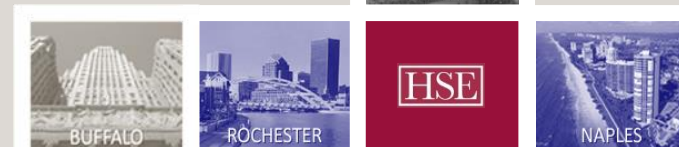
- 150 Members
- Democrats control with a 105-41 majority with 4 vacancies
- The Assembly is led by the Speaker of the Assembly Carl Heastie



# Albany 101

## The Senate -

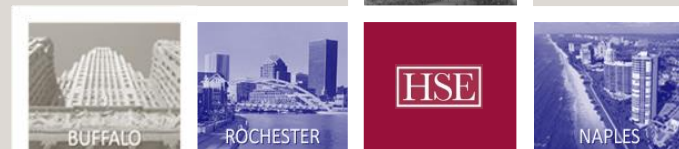
- 63 Members
- 31 Elected Republicans and 32 Elected Democrats, but 1 Democratic Senator from Brooklyn conferences with the Senate Republicans to give them the majority in the Senate
- Senate is led by the Senate Majority Leader John Flanagan



# Albany 101

## *Part 2 - The Executive Branch*

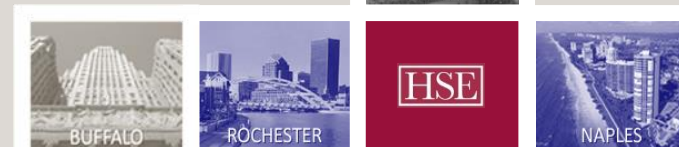
- Governor Andrew Cuomo (D) is Governor of New York
- He has served two four year terms
- He is running for a third four year term this November



# Albany 101

## *Part 3 - The Judicial Branch*

- Not going to go into this
- Just important to note that there are three branches of government, and ideally our work with the other two branches will not lead to us needing to engage this branch

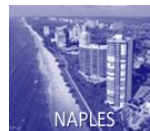
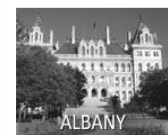




# Albany 101

## How the Legislative Process Works -

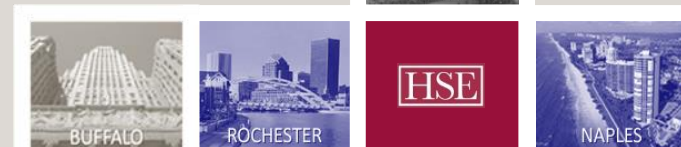
- Session begins in January with the Governor's State of the State Address.
- The Legislative cycle runs for two years and contains two sessions.
- The Governor must submit a proposed Budget by the end of January.
- The budget is due by April 1. The budget must be done every year.
- Once the Budget is complete then non-money issues addressed until adjournment.
- Session traditionally concludes by the end of June with special session later in the year if there is urgent business.



# Albany 101

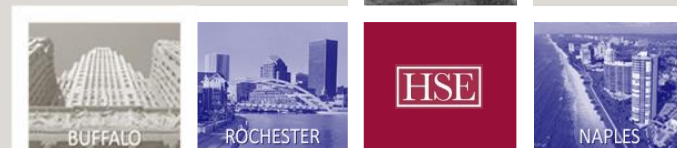
## Election year -

- 2018 is an election year for all statewide office holders in New York (Governor, Lieutenant Governor, Comptroller and Attorney General)
- It is also an election year for all 213 members of the New York State Assembly and Senate



# Albany 101

- The 2018 Legislative Session is scheduled to conclude on Wednesday, June 20
- We are working on several legislative priorities before the session concludes



# Legislative Priorities

## Provisional Permit

- A9966-A sponsored by Assemblyman William Magnarelli
- S8140-A sponsored by Senator John DeFrancisco
- Bill has been negotiated
- Broad support



# Legislative Priorities

## Provisional Permit

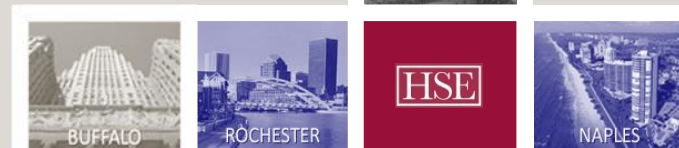
- What does the bill do?
  - Creates a provisional permit in New York
  - Provisional Permit vs. Limited License
  - One year permit with option to renew for a 2<sup>nd</sup> year
  - Sunset removed
  - Assembly – On Ways and Means agenda
  - Senate – In Finance



# Legislative Priorities

## Pathologists Assistant

- A10174 sponsored by Assemblywoman Rodneyse Bichotte
- S8088 sponsored by Senator Ken LaValle



# Legislative Priorities

## Pathologists Assistant

### ■ What does the bill do?

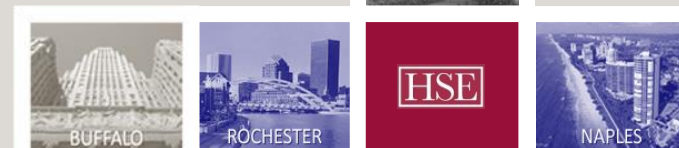
- In 2016, a new licensure category was created for Pathologists Assistants
- Per the legislation, the law would take effect two years from the date it was signed, which be November 28, 2018
- Many PA's are currently on limited licenses, which sunset on September 1, 2018
- This legislation changes the effective date for PA licensure to July 1, 2018



# Legislative Priorities

## Laboratory Supervisor Requirements

- A10781 sponsored by Assemblyman Richard Gottfried
- S7521 sponsored by Senator Kemp Hannon

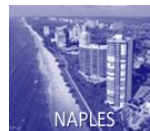
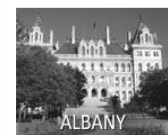




# Legislative Priorities

## Laboratory Supervisor Requirements

- What does the bill do?
  - Laboratory supervisor requirements are currently governed by regulations
  - Current regulations require a laboratory supervisor to be on site at all times and have 2 – 6 years of experience depending on degree/training
  - This bill would statutorily establish laboratory supervisor requirements that would supersede the regulations
  - Under this legislation, the CLIA laboratory supervisor regulations would be adopted in New York, which removes the on site supervision and requires 1 year of experience



# Legislative Priorities

## Next steps

- Explore additional licensing categories
- Continue conversations with SED and DOH about how to address the shortage of qualified personnel in New York
- Continue to work on amending supervisor requirements

