

## VETO MESSAGE - No. 190

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 3459-A, entitled:

"AN ACT to amend the social services law and the public health law,  
in relation to pediatric day-respite centers and care"

NOT APPROVED

This bill would amend the Social Services Law and the Public Health Law to: (1) establish pediatric day-respite centers which deliver comprehensive family support services; and (2) authorize reimbursement for pediatric day-respite care as new Medicaid and Child Health Plus (CHIP) services. The bill would also require the Commissioner of Health to promulgate regulations to implement procedures and requirements for an entity to qualify as a pediatric day-respite center.

While I fully support the intent of the bill to provide respite care, I cannot support the bill as drafted. First, respite services are already provided to children at home through private duty nursing under the Medicaid program, as well as under the Home and Community-Based Services Waiver operated by the Office for People with Developmental Disabilities. Second, this bill would require the establishment of an entirely new licensure and certification process, as well as corresponding surveillance and compliance review by the Department of Health, without any funding to create and sustain such an infrastructure.

Third, this bill would result in an expansion of Medicaid and CHIP services, without going through the Evidence Based Benefit Review Advisory Committee (EBBRAC) vetting process, created to make sound, evidence-based determinations on the efficacy of a treatment. As some of the benefits proposed in this bill have not yet been evaluated by the EBBRAC, the bill would circumvent this established vetting process.

Finally, as the bill would expand services reimbursed under Medicaid and CHIP, it would result in an increased, unbudgeted cost to the Medicaid program outside the budget process. At a time when the Federal government has enacted, and is threatening additional, devastating cuts to the State's health care system, it would be irresponsible to incur such unbudgeted costs at this time. For these reasons I am forced to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO

---