

2023

BUSINESS IN 2022

WEEKLY WEBINAR SERIES

2021

2020

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Introduction COVID Update



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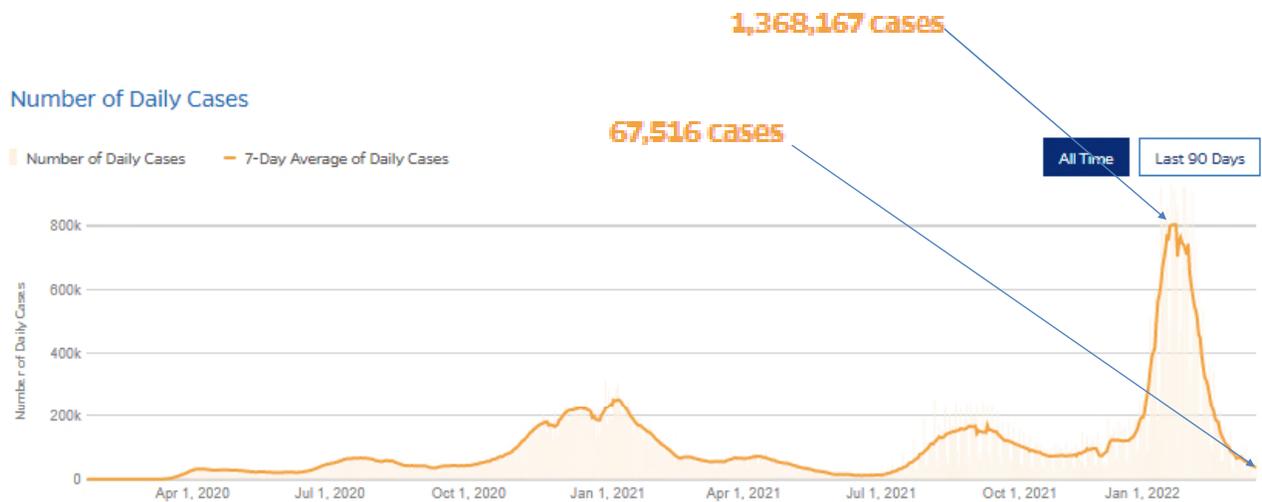


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COVID Infection Trends & Information

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United States COVID Data Timeline (3/7)

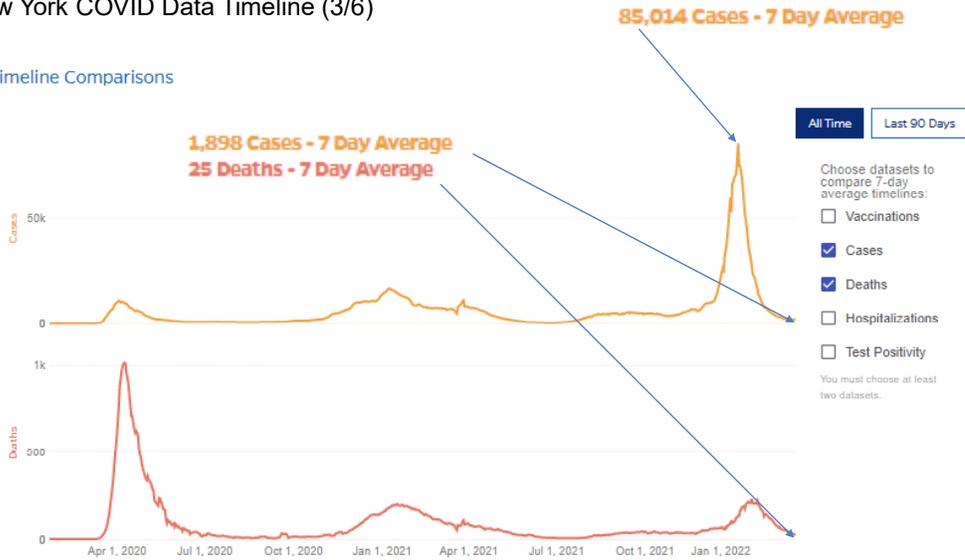


Data Sources: Cases and deaths data from JHU CSSE; testing and vaccine data from JHU CCI; and hospitalization data from the U.S. Department of Health and Human Services.

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New York COVID Data Timeline (3/6)

Timeline Comparisons



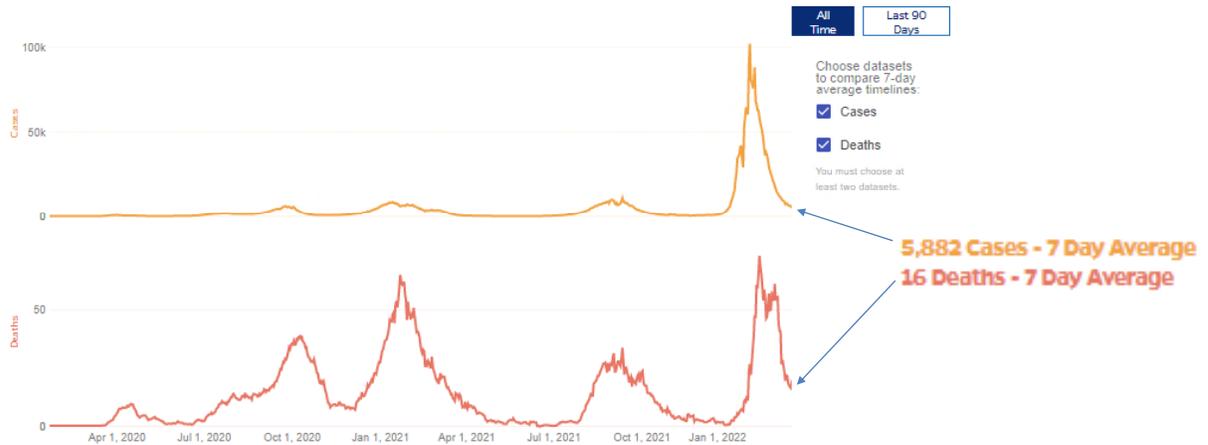
Data Sources: Cases and deaths data from JHU CSSE; testing and vaccine data from JHU CCI; and hospitalization data from the U.S. Department of Health and Human Services.



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Israel Timeline Comparison (3/6)

Timeline Comparisons



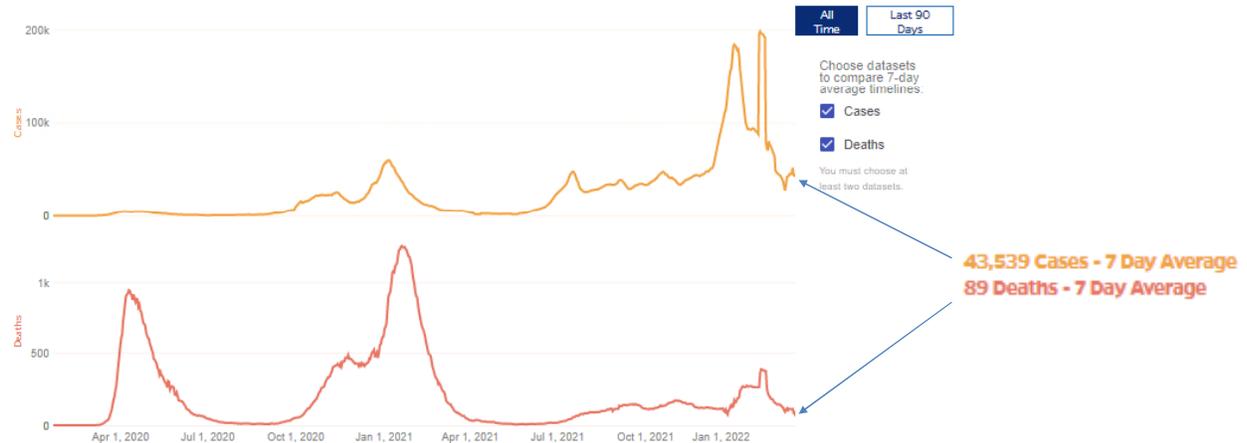
Data Sources: Cases and deaths data from JHU CSSE; testing and vaccine data from JHU CCI; and hospitalization data from the U.S. Department of Health and Human Services.



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UK Timeline Comparison (3/6)

Timeline Comparisons



Data Sources: Cases and deaths data from JHU CSSE; testing and vaccine data from JHU CCI; and hospitalization data from the U.S. Department of Health and Human Services.



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New York HERO Act & Other COVID Issues

- Emergency Designation Runs Until 3/17/22
- Employers Still Must Follow Plans
 - Screening?
 - Masking?
- COVID Paid Sick Leave



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When to Wear a Mask or Respirator

Layered prevention strategies — like staying up to date on vaccines and wearing masks — can help prevent severe illness and reduce the potential for strain on the healthcare system. **Wear a mask with the best fit, protection, and comfort for you.**

Data provided by CDC
Updated: March 3, 2022

Know the COVID-19 Community Level where you live

[COVID-19 Community Levels](#) are a tool to help communities decide what prevention steps to take based on the latest data.



Low

- Wear a mask based on your personal preference, informed by your personal level of risk



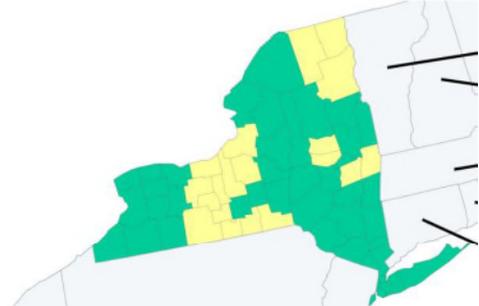
Medium

- If you are immunocompromised or at [high risk for severe illness](#)
 - Talk to your healthcare provider about additional precautions, such as wearing masks or respirators indoors in public
- If you live with or have social contact with someone at high risk for severe illness, consider testing yourself for infection before you get together and wearing a mask when indoors with them.



High

- Wear a well-fitting mask indoors in public, regardless of vaccination status or individual risk (including in K-12 schools and other community settings)
- If you are immunocompromised or at [high risk for severe illness](#)
 - Wear a mask or respirator that provides you with greater protection



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Telehealth in the Post-Pandemic Environment



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The Transformation of Telehealth: A Case Study

Across the country, there's increasing optimism that the worst of the pandemic is behind us.

Can we can begin to contemplate what our 'new normal' looks like?

The growth of telehealth offers a useful case study for employers –
Both for healthcare operations and for healthcare data privacy.



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Pandemic Resulted in Exponential Growth



- Behavioral health
- Access to underserved communities
- Emergency preparedness and response
- A measure of the expansion – HRSA funded sites:
 - From 2019 to 2020, a 6,000% increase
- Continuing market developments:
 - Teladoc Health and Amazon announce 'Teladoc on Alexa' late last month

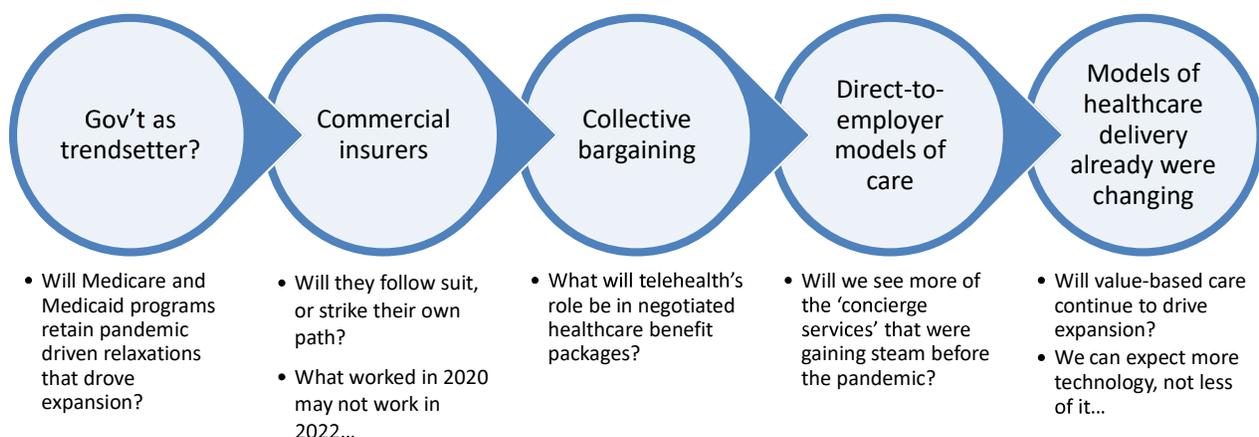


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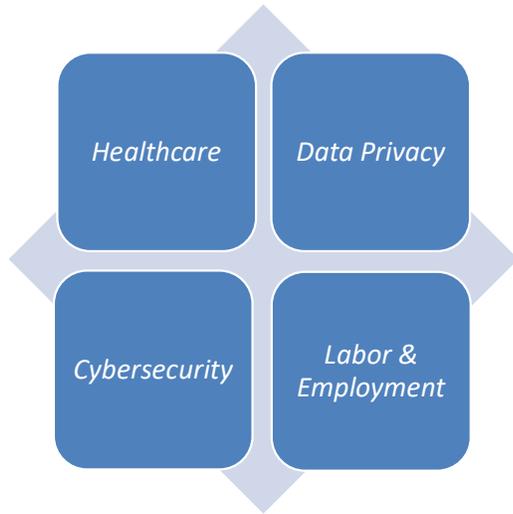
Data Privacy and Security Implications



What's Next for Employers and Their Workforces?



Trends to Track...and Resources



[Eye on Telehealth: Opening Doors and Surfacing New Data Privacy Questions as the Pandemic Ebbs](#)

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More Information?

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Potential New Laws from Albany for NY Employers



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Proposed Art. VII Legislation Affecting Higher Education



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FY 2023 NYS Executive Budget

- This is to provide you with a very high-level overview of some of the main provisions in the Governor's FY 2023 budget under Art. VII affecting higher education generally.
- These provisions are subject to negotiation during the budget process, and may make their way into the budget that is ultimately passed and signed into law.
- I will report back to you after the budget has passed and let you know what provisions, if any, survived the negotiation process and what their final language looks like.



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Tuition Assistance Program (TAP)

- Currently there is limited availability for TAP for part-time students. TAP is available to part-time students who have earned at least twelve credits in each of two consecutive semesters, are enrolled in at least six credits in an approved undergraduate degree program, and have a G.P.A. of at least a 2.00.
- The Art. VII legislation eliminates the requirement that the student has had to have earned twelve credits in two consecutive semesters, and only requires the student to be enrolled in at least six credits in an approved undergraduate degree program and have a G.P.A. of at least a 2.00.



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TAP, continued

- Currently, the award for the TAP is calculated by an enrollment factor which is a percentage of the credits enrolled in compared to the overall credits required for full-time study. The proposed legislation changes the enrollment factor to one that is to be established by the Higher Education Services Corporation.
- The Art. VII legislation also expands part-time TAP to those enrolled in an approved non-degree workforce credential program at a community college which program is approved by the NYS Empire State Development Corporation and the NYS Regional Economic Development Councils based on an analysis of regional industry trends, workforce needs and existing program offerings.



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TAP, continued

- Under the appropriations section of the Governor's budget, there is \$150 million to cover the costs of expanding TAP to part-time students studying at least six credits in an undergraduate degree program, and the executive summary to the budget estimates that 75,000 additional New York students would benefit from this expansion.
- Finally, TAP for incarcerated students is restored in the Art. VII legislation.



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Streamlined Program Review by NYSED

- Any new curricula or program of study that does not lead to professional licensure or does not require a Master Plan amendment or Charter Amendment under the NYS Education law will be authorized to temporarily operate pending program approval by NYS Education Department forty-five days after the college or university receives certification by the Department that its application for program approval is complete.
- This provision is only applicable to colleges and universities operating in the state for the previous ten years, is accredited by Middle States, and is under the jurisdiction of the same governing body within that preceding ten-year period.



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Streamlined Program Review by NYSED

- The college or university will be required to disclose to its students the temporary nature of its authorization to operate the program.
- If NYSED eventually disapproves the program, the college or university must immediately cease operation of the program and refund all monies paid by students to attend such programs.
- Needless to say, it would be very risky for a college or university to operate a program under these conditions.



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Transfer of Oversight of Health Professions from NYSED to NYS Department of Health

- All functions of the NYS Education Department relating to oversight of the health care professions will be transferred to the Department of Health, effective January 1, 2023.



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College as Polling Places

- Under the proposed Art. VII legislation, where there are three hundred or more individuals registered to vote on contiguous college property, there must be a polling place on the contiguous property or at a nearby location recommended by the college.

Prohibition of Transcript Withholding

- Under the Art. VII legislation, it will be unlawful for an institution of higher education to withhold a transcript of a student who owes a debt or otherwise use transcript issuance as a tool for debt collection.
- The NYS Department of Financial Services will enforce this provision and could issue a penalty upon the school of \$500.00 for each violation, after notice and a hearing.
- In addition, the Higher Education Services Corporation could suspend, limit or terminate a school's participation in the state financial assistance programs, such as TAP, for a violation.

Prohibition of Transcript Withholding

- There is also proposed similar legislation pending in the state legislature currently.
- Therefore, we will most likely see a prohibition of transcript withholding for nonpayment of debts by the end of this legislative session.



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Amendment to Human Rights Law –Citizenship and Immigration Status Discrimination Prohibited

- The Art. VII proposed legislation amends the NYS Human Rights Law – Executive Law §296 – to add citizenship and immigration status as protected categories in order to prohibit any type of discrimination against a person based upon those categories.
- The law specifically states that verifying citizenship or immigration status where required by law, for example, that which is required under federal immigration laws or labor rules, would not be considered an adverse discriminatory action.



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Non-Discrimination based on Citizenship and Immigration Status, cont.

- Currently, federal law prohibits discrimination in employment based upon citizenship status (8 USC §1324b) but specifically provides that “it is not an unfair immigration-related employment practice for a person or entity to hire, recruit, or refer an individual who is a citizen or nation of the U.S. over another individual who is an alien if the two individuals are equally qualified.”
- There is no such carve-out in the proposed amendments to the NYS Human Rights law.



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Other Labor Provisions

- There are other changes proposed to the NYS Human Rights law relating to victims of domestic violence to protect them not only from discrimination in employment but also to all areas under the jurisdiction of the human rights law, such as housing, public assistance, education, and credit.
- There are limitations on non-compete agreements and prohibitions of no-poach agreements.
- These and other labor-related provisions in Art. VII were discussed in our February 8, 2022 briefing by attorney Stephanie Fedorka. Stephanie provided a comprehensive overview, and her presentation can be found here: <https://www.bsk.com/uploads/02-08-22-Business-in-2022-Handout.pdf>



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COVID Update

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Post-Pandemic Telehealth & Data Privacy

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Higher Education Update

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