



## Fiscal Intermediary Marketing Update **DOH Says FIs Will Receive Guidance**

The New York State Department of Health ([DOH](#)) has now advised CDPAS fiscal intermediaries that it will begin enforcing the State's ban on publishing unapproved, false and/or misleading marketing materials, enacted as part of the State's budget, on October 1, 2018. DOH plans to publish guidance prior to that date to help fiscal intermediaries comply with the new law.

FIs should submit new or updated marketing materials to DOH for review. If an FI's authorization application is still pending, it should attach the application when it submits the marketing materials. Materials should be emailed to [fiauthorization@health.ny.gov](mailto:fiauthorization@health.ny.gov).

In June, the Consumer Directed Personal Assistance Association of New York State and three FIs sued DOH in the U.S. District Court, Northern District of New York, alleging that this law violates their right of free speech under the First Amendment and the New York State Constitution. On July 25, 2018, the court denied the plaintiff's motion for a preliminary injunction enjoining the application of the law while the lawsuit is pending and denied DOH's motion to dismiss the lawsuit. The lawsuit is currently in the pre-trial phase.

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