S T A T E O F N E W Y O R K

7567

I N S E N A T E

April 22, 2010

Introduced by Sen. DIAZ -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, the state finance law and the public health law, in relation to long term care ombudsman access to assisted living facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 1 of section 218 of the elder law is amended to read as follows:

(b) "Long term care facilities" shall mean residential health care facilities as defined in subdivision three of section twenty-eight hundred one of the public health law [and], adult care facilities as defined in subdivision twenty-one of section two of the social services law, AND ASSISTED LIVING RESIDENCES, AS DEFINED IN ARTICLE FORTY-SIX-B OF THE PUBLIC HEALTH LAW, OR ANY FACILITIES WHICH HOLD THEMSELVES OUT OR ADVERTISE THEMSELVES AS PROVIDING ASSISTED LIVING SERVICES AND WHICH ARE REQUIRED TO BE LICENSED OR CERTIFIED UNDER THE SOCIAL SERVICES LAW OR THE PUBLIC HEALTH LAW. Within the amounts appropriated therefor, "long term care facilities" shall also mean managed long term care plans and approved managed long term care or operating demonstrations as defined in section forty-four hundred three-f of the public health law and the term "resident", "residents", "patient" and "patients" shall also include enrollees of such plans.

S 2. Paragraph (b) of subdivision 1 of section 218 of the elder law, as amended by section 2 of chapter 642 of the laws of 2004, is amended to read as follows:

(b) "Long term care facilities" shall mean residential health care facilities as defined in subdivision three of section twenty-eight hundred one of the public health law, AND ASSISTED LIVING RESIDENCES, AS DEFINED IN ARTICLE FORTY-SIX-B OF THE PUBLIC HEALTH LAW, OR ANY FACILITIES WHICH HOLD THEMSELVES OUT OR ADVERTISE THEMSELVES AS PROVIDING ASSISTED LIVING SERVICES AND WHICH ARE REQUIRED TO BE LICENSED OR CERTIFIED UNDER THE SOCIAL SERVICES LAW OR THE PUBLIC HEALTH LAW and adult

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06158-01-9

care facilities as defined in subdivision twenty-one of section two of the social services law.

S 3. Subdivision 3 of section 99-l of the state finance law, as added by chapter 2 of the laws of 2004, is amended to read as follows:

3. Moneys of such fund shall be available to the department of health for the purpose of carrying out the provisions of article forty-six-B of the public health law. Additionally, UP TO five hundred thousand dollars shall be [available] TRANSFERRED ANNUALLY to the state office for the aging for THE PURPOSES OF CARRYING OUT THE PROVISIONS OF the long term care ombudsman program [for the purpose of carrying out the provisions of article forty-six-B of the public health law] PURSUANT TO SECTION TWO HUNDRED EIGHTEEN OF THE ELDER LAW.

S 4. Paragraph l of subdivision 3 of section 2803-c of the public health law, as amended by chapter 719 of the laws of 1989, is amended to read as follows:

l. Pursuant to regulations promulgated by the commissioner, no facility or individual and no general hospital providing medical care to persons having been admitted from such facilities or from adult care facilities covered by the provisions of section four hundred sixty-one-b of the social services law, or to applicants for readmission to such facilities or to adult care facilities covered by the provisions of section four hundred sixty-one-b of the social services law, shall restrict or prohibit the access to the facility or general hospital nor interfere with the performance of the official duties, including confidential visits with residents, of duly designated persons participating in the long term care ombudsman program as provided for in [sections five hundred forty-four and five hundred forty-five of the executive law] SECTION TWO HUNDRED EIGHTEEN OF THE ELDER LAW.

S 5. This act shall take effect immediately, provided however that the amendments to paragraph (b) of subdivision 1 of section 218 of the elder law made by section two of this act shall take effect on the same date and same manner as section 2 of chapter 642 of the laws of 2004, as amended, takes effect.