

4851--A

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons

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

1 Section 1. Legislative intent. New York state has long recognized the
2 need to support a full continuum of long term care services for the
3 aging that supports the ability of seniors to remain in integrated
4 community settings for as long as possible. The state has offered simi-
5 lar support to allow persons with developmental disabilities and their
6 caregivers to live in community settings, but for the most part not in
7 integrated housing arrangements. Further, the state does not currently
8 support a service model that adequately supports the increasingly
9 sophisticated long term health care needs of persons with developmental
10 disabilities who are elderly in an integrated community setting that
11 includes elderly persons with developmental disabilities and others.
12 The Legislature finds that the Camphill movement has a long tradition
13 of providing services to persons with developmental disabilities in
14 fully integrated community settings through its worldwide network of
15 planned, intentional communities serving persons with and without devel-
16 opmental disabilities. Much more than providers of basic services for
17 people with developmental disabilities, Camphill communities offer an
18 environment where people of all ages and abilities share home, work and
19 social activities and enjoy a rich artistic and cultural life with
20 opportunities for spiritual expression and dignified work. Camphill
21 communities rely on both paid and volunteer workers to ensure that

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

LBD11097-03-1

1 persons with developmental disabilities can realize their full potential
2 through constructive and productive interactions as fully participatory
3 members of their communities.

4 The Legislature further finds that members of such communities must
5 frequently leave those communities when they develop long term health
6 care needs that cannot be addressed in those settings. In such cases,
7 they are often admitted to less integrated settings that negatively
8 impact their quality of life and generate costs to those individuals and
9 to the state that would not be necessary if a more appropriate alterna-
10 tive were available. In recognition of this fact, Camphill Village USA,
11 Inc., which currently operates a Camphill community in Copake, New York,
12 is in the process of developing a community in Ghent, New York, under
13 the auspices of Camphill Ghent, Inc., ("Camphill Ghent"), that would
14 provide an array of long term care services, including assisted living,
15 to persons with and without developmental disabilities in the Camphill
16 tradition.

17 The Legislature further finds that the Camphill Ghent project is
18 consistent with the goal of both the department of health and the office
19 for people with developmental disabilities to provide cost effective
20 services in the most integrated setting appropriate to the needs of
21 residents. In fact, Camphill Ghent has already received support from the
22 state in the form of a \$9.6 million grant under the Healthcare Efficien-
23 cy and Affordability Law for New Yorkers and the Federal-State Health
24 Reform Partnership, pursuant to which it is subject to state oversight
25 and regulation.

26 However, there are currently legislative barriers to the full realiza-
27 tion of the Camphill Ghent goal, including barriers against allowing
28 residents to age in place, barriers against full funding for the
29 services necessary for persons living in a fully integrated setting who
30 have both developmental disabilities and significant long term health
31 care needs, and barriers against the use of volunteer services provided
32 by the potential residents of the new community. In the past, the Legis-
33 lature has enacted legislation to support a Camphill-related facility in
34 New York state by removing such barriers. Moreover, Camphill Village
35 has a proven track record of providing services at substantially lower
36 cost than comparable providers. Accordingly, the Legislature finds that
37 it is in the best interests of the state to establish Camphill Ghent as
38 a unique program to provide long term care services to persons with
39 developmental disabilities and others in an integrated community setting
40 in a manner that allows such individuals to age in place with all appro-
41 priate state supports, and without the barriers that will prevent such
42 persons from becoming fully participatory members of their community.

43 S 2. The Legislature hereby authorizes the establishment of a communi-
44 ty in Columbia county known as Camphill Ghent, Inc. (hereinafter "Camp-
45 hill Ghent"), that is specifically designed to provide long term care
46 and other services to persons with developmental disabilities and
47 others. Such community shall:

48 (a) include, at a minimum, an assisted living program as defined in
49 section 461-1 of the social services law, other adult home beds as
50 defined in subdivision 25 of section 2 of the social services law, and
51 unlicensed housing targeted to seniors aged 55 and over comprised of
52 self-contained studio, one bedroom and two bedroom units connected to
53 common areas for common dining and recreation, and two and three bedroom
54 independent housing units;

55 (b) include a series of buildings for common use that will house a
56 variety of non-medical services available to community residents;

1 (c) include both persons with developmental disabilities and persons
2 without developmental disabilities among the residents;

3 (d) include extensive use of volunteers to supplement the services
4 provided by the required professional staff; and

5 (e) provide regular reports to the state consistent with its obli-
6 gations under section 2818 of the public health law.

7 S 3. Notwithstanding subdivision 6 of section 461-c and subparagraph
8 (ii) of paragraph (d) of subdivision 1 and subparagraph (iii) of para-
9 graph (d) of subdivision 2 of section 461-l of the social services law,
10 an eligible person who has been admitted to the adult home or assisted
11 living program at Camphill Ghent, who is otherwise no longer eligible
12 for participation in an adult home or assisted living program because
13 such person is in need of continual nursing or medical care, chronically
14 bedfast or chairfast, or cognitively, physically or medically impaired
15 to such a degree that his or her safety would otherwise be endangered,
16 may remain in the adult home or assisted living program at Camphill
17 Ghent provided that the program provides such additional nursing,
18 medical or other care as necessary for such person to be safely and
19 adequately cared for, as determined by the program and such person or
20 his or her legal representative. The rates payable to the assisted
21 living program at Camphill Ghent may be adjusted to reflect all or part
22 of the cost of such additional medical, nursing or other care.

23 S 4. Where eligible persons residing in the assisted living program at
24 Camphill Ghent, or persons residing in the assisted living program at
25 Camphill Ghent pursuant to section three of this act, would otherwise be
26 eligible to reside in a supervised individualized residential alterna-
27 tive established pursuant to regulations of the commissioner of the
28 office for people with developmental disabilities, the assisted living
29 program at Camphill Ghent shall be entitled to a supplemental payment
30 from the office for people with developmental disabilities equal to the
31 difference between the assisted living program rate attributable to that
32 person and the regional average supervised individualized residential
33 alternative rate that would have been paid had that person resided in a
34 supervised individualized residential alternative, inclusive of both the
35 residential habilitation and room and board components, trended to the
36 current operating year and annually updated. Such supplemental rate
37 shall be used to support additional case management services, protective
38 oversight and the following residential habilitation services, as appro-
39 priate: training, support and assistance in pursuing personal valued
40 outcomes, self-advocacy, relationship building, and self direction in
41 making informed choices; training, support and assistance in personal
42 hygiene tasks; training, support and assistance in self-care tasks;
43 training, support and assistance in general household chores including
44 meal preparation; mobility training; training, support and assistance in
45 personal health care; training to maximize personal financial manage-
46 ment; training, support and assistance in appropriate normative social
47 behaviors and community inclusion activities; training in fire evacu-
48 ation procedures and other appropriate life safety activities; and
49 necessary transportation. The Legislature shall appropriate the funding
50 necessary to support such supplemental payment on an annual basis. In no
51 event shall the adult home or assisted living program at Camphill Ghent
52 be required to be licensed under any provision of the mental hygiene law
53 by virtue of such supplemental payment or the services it supports.

54 S 5. Camphill Ghent shall be exempt from the following provisions of
55 the social services law: subdivision 6 of section 461-c of the social
56 services law regarding retention standards in adult care facilities;

1 subdivision 4 of section 461-d of the social services law regarding
2 compensation of residents of certain adult care facilities for services
3 performed on behalf of such adult care facility; and subparagraph (ii)
4 of paragraph (d) of subdivision 1 of section 461-l of the social
5 services law regarding retention standards in assisted living programs.
6 Camphill Ghent shall also be exempt from subdivision 15 of section 4651
7 and section 4654 of the public health law regarding enhanced assisted
8 living certification. The exemption from subdivision 6 of section 461-c
9 of the social services law and subparagraph (ii) of paragraph (d) of
10 subdivision 1 of section 461-l of the social services law shall apply
11 only to the extent that Camphill Ghent meets the requirements of section
12 three of this act.

13 S 6. This act shall take effect immediately.