

7478

I N S E N A T E

May 15, 2014

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

AN ACT to amend the public health law, in relation to applications for construction of hospitals

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

1 Section 1. Section 2802 of the public health law is amended by adding
2 two new subdivisions 8 and 9 to read as follows:

3 8. NOTWITHSTANDING ANY LAW, RULE, OR REGULATION TO THE CONTRARY, THIS
4 SUBDIVISION SHALL APPLY TO ANY APPLICATION FOR CONSTRUCTION REQUIRED
5 UNDER THIS SECTION WITH THE EXCEPTION OF THOSE FEDERALLY QUALIFIED
6 HEALTH CENTER CAPITAL PROJECTS SUBJECT TO SECTION TWENTY-EIGHT HUNDRED
7 SEVEN-Z OF THIS ARTICLE.

8 (A) THE DEPARTMENT SHALL HAVE THIRTY DAYS OF RECEIPT OF ANY APPLICA-
9 TION TO DEEM SUCH APPLICATION COMPLETE. IF THE DEPARTMENT DETERMINES THE
10 APPLICATION IS INCOMPLETE OR THAT MORE INFORMATION IS REQUIRED, THE
11 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING WITHIN THIRTY DAYS OF
12 THE DATE OF THE APPLICATION'S SUBMISSION, AND THE APPLICANT SHALL HAVE
13 TWENTY BUSINESS DAYS TO PROVIDE ADDITIONAL INFORMATION OR OTHERWISE
14 CORRECT THE DEFICIENCY IN THE APPLICATION.

15 (B) FOR AN APPLICATION REQUIRING A LIMITED OR ADMINISTRATIVE REVIEW,
16 WITHIN NINETY DAYS OF THE DEPARTMENT DEEMING THE APPLICATION COMPLETE,
17 THE COMMISSIONER SHALL MAKE A DECISION TO APPROVE OR DISAPPROVE THE
18 APPLICATION. IF THE COMMISSIONER DETERMINES TO DISAPPROVE THE APPLICA-
19 TION, THE BASIS FOR SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING;
20 HOWEVER, DISAPPROVAL SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE
21 APPLICATION. IF THE COMMISSIONER FAILS TO TAKE ACTION TO APPROVE OR
22 DISAPPROVE THE APPLICATION WITHIN NINETY DAYS OF THE APPLICATION BEING
23 DEEMED COMPLETE, THE APPLICATION SHALL BE DEEMED APPROVED.

24 (C) FOR AN APPLICATION REQUIRING FULL REVIEW BY THE COUNCIL, THE
25 APPLICATION SHALL BE PLACED ON THE NEXT COUNCIL AGENDA FOLLOWING THE
26 DEPARTMENT DEEMING THE APPLICATION COMPLETE.

27 (D) WHERE THE COMMISSIONER OR DEPARTMENT REQUIRES THE APPLICANT TO
28 SUBMIT INFORMATION TO SATISFY A CONTINGENCY FOR A CONSTRUCTION PROJECT,

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

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1 THE COMMISSIONER OR DEPARTMENT SHALL HAVE THIRTY DAYS TO REVIEW AND
2 APPROVE OR DISAPPROVE THE SUBMITTED INFORMATION. IF THE COMMISSIONER OR
3 DEPARTMENT DETERMINES THAT THE SUBMITTED INFORMATION IS INCOMPLETE, IT
4 SHALL SO NOTIFY THE APPLICANT IN WRITING AND PROVIDE THE APPLICANT WITH-
5 IN TEN BUSINESS DAYS TO CORRECT THE DEFICIENCY OR PROVIDE ADDITIONAL
6 INFORMATION. IF THE COMMISSIONER OR DEPARTMENT DETERMINES THAT THE
7 SUBMITTED INFORMATION DOES NOT SATISFY THE CONTINGENCY, THE BASIS FOR
8 SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING; HOWEVER, DISAPPROVAL
9 SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE APPLICATION. WITHIN
10 FIFTEEN DAYS OF COMPLETE SATISFACTION OF A CONTINGENCY, THE COMMISSIONER
11 OR DEPARTMENT SHALL TRANSMIT THE FINAL APPROVAL LETTER TO THE APPLICANT.

12 (E) THE DEPARTMENT SHALL DEVELOP EXPEDITED PRE-OPENING SURVEY PROC-
13 ESSES FOR APPLICATIONS APPROVED UNDER THIS SECTION, BUT UNDER NO CIRCUM-
14 STANCES SHALL PRE-OPENING SURVEY REVIEWS BE SCHEDULED LATER THAN THIRTY
15 DAYS AFTER FINAL APPROVAL, CONSTRUCTION COMPLETION AND NOTIFICATION OF
16 SUCH COMPLETION OF THE DEPARTMENT.

17 9. WITH REGARD TO ANY CONSTRUCTION PROJECT REQUIRING SUBMISSION OF AN
18 APPLICATION PURSUANT TO THIS SECTION WHERE THE COMMISSIONER HAS DETER-
19 MINED THAT A WRITTEN CERTIFICATION BY AN ARCHITECT OR ENGINEER LICENSED
20 PURSUANT TO ARTICLE ONE HUNDRED FORTY-FIVE OR ONE HUNDRED FORTY-SEVEN OF
21 THE EDUCATION LAW THAT THE PROJECT MEETS APPLICABLE REGULATIONS OF THE
22 DEPARTMENT CAN BE ACCEPTED, THE SUBMISSION BY THE APPLICANT OF SUCH
23 CERTIFICATION BY CERTIFIED OR REGISTERED MAIL WITH A RETURN RECEIPT
24 SIGNED BY THE DEPARTMENT SHALL CONSTITUTE A FULFILLMENT OF THE CERTIF-
25 ICATION REQUIREMENT AND THE DEPARTMENT SHALL PROCEED WITH THE PROCESSING
26 OF SUCH APPLICATION. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS
27 PROHIBITING THE DEPARTMENT UPON SURVEY FROM REQUIRING SUBSEQUENT
28 CORRECTIONS TO THE PROJECT TO MEET THE APPLICABLE REGULATIONS.

29 S 2. This act shall take effect on the one hundred twentieth day after
30 it shall have become a law.