

# STATE OF NEW YORK

6559

2017-2018 Regular Sessions

## IN SENATE

June 2, 2017

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

AN ACT to amend the public health law, in relation to payment for reserved bed days in residential health care facilities; and to repeal paragraph (f) of subdivision 2-c of section 2808 of such law relating to prospective per diem adjustments for certain nursing homes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 25 of section 2808 of the public health law, as  
2 amended by section 2 of part E of chapter 57 of the laws of 2017, is  
3 amended to read as follows:

4 25. Reserved bed days. (a) For purposes of this subdivision, a  
5 "reserved bed day" is a day for which a governmental agency pays a resi-  
6 dential health care facility to reserve a bed for a person eligible for  
7 medical assistance pursuant to title eleven of article five of the  
8 social services law while he or she is temporarily hospitalized or on  
9 [~~therapeutic~~] leave of absence from the facility.

10 (b) Notwithstanding any other provisions of this section or any other  
11 law or regulation to the contrary, for reserved bed days provided on  
12 behalf of persons twenty-one years of age or older:

13 (i) payments for reserved bed days shall be made at ninety-five  
14 percent of the Medicaid rate otherwise payable to the facility for  
15 services provided on behalf of such person; [~~and~~]

16 (ii) payment to a facility for reserved bed days provided on behalf of  
17 such person for temporary hospitalizations may not exceed fourteen days  
18 in any twelve month period; and

19 (~~iii~~) payment to a facility for reserved bed days provided on behalf  
20 of such person for [~~therapeutic~~] non-hospitalization leaves of absence  
21 may not exceed ten days in any twelve month period.

22 (c)(i) Notwithstanding any contrary provision of this subdivision or  
23 any other law and subject to the availability of federal financial

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

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1 participation, with regard to services provided to residential health  
2 care facility residents twenty-one years of age or older, the commis-  
3 sioner shall promulgate regulations, and may promulgate emergency regu-  
4 lations, effective for periods on and after July first, two thousand  
5 twelve, establishing reimbursement rates for reserved bed days.

6 (ii) Such regulations shall, for each Medicaid patient for any twelve  
7 month period, provide for reimbursement for reserved bed days for: (A)  
8 up to an aggregate of fourteen days for hospitalizations and for other  
9 therapeutic leave of absences consistent with a plan of care ordered by  
10 such patient's treating health care professional; and (B) up to aggre-  
11 gate of ten days of other leaves of absence.

12 (iii) No later than thirty days after promulgation of such regu-  
13 lations, the commissioner shall advise the chair of the senate finance  
14 committee, the chair of the assembly ways and means committee and the  
15 chairs of the senate and assembly health committees of the projected  
16 reductions expected to be achieved under the methodology set forth in  
17 such regulations.

18 (iv) In the event the commissioner determines, in consultation with  
19 the director of the budget, that the regulations promulgated pursuant to  
20 subparagraph (i) of this paragraph shall achieve projected aggregate  
21 Medicaid savings, as determined by the commissioner, of less than forty  
22 million dollars for the state fiscal year beginning April first, two  
23 thousand twelve, and each state fiscal year thereafter, the commissioner  
24 shall establish a prospective per diem rate adjustment for all nursing  
25 homes, other than nursing homes providing services primarily to children  
26 under the age of twenty-one, sufficient to achieve such forty million  
27 dollars in savings for each such state fiscal year.

28 § 2. Paragraph (f) of subdivision 2-c of section 2808 of the public  
29 health law is REPEALED.

30 § 3. This act shall take effect immediately and shall be deemed to  
31 have been in full force and effect on and after April 1, 2017.