

# STATE OF NEW YORK

2610

2021-2022 Regular Sessions

## IN ASSEMBLY

January 19, 2021

Introduced by M. of A. WOERNER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to appointing a supervisor for for-profit assisted living facilities which are designated as special focus facilities

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

1 Section 1. The public health law is amended by adding a new section  
2 4677 to read as follows:

3 § 4677. Facilities designated under the special focus facility initiative.  
4 1. This section shall apply to all for-profit assisted living  
5 facilities located within the state.

6 2. (a) The department shall appoint a supervisor to work with any  
7 assisted living facility or nursing home which has been designated as a  
8 "special focus facility" by the federal centers for Medicare and Medi-  
9 caid services, or "CMS", as part of the special focus facility initiative,  
10 in order to oversee, monitor and assist such facilities with  
11 correcting noted deficiencies, proper allocation of funds and eliminat-  
12 ing patterns of serious problems within such facility.

13 (b) For purposes of this section, a "special focus facility" shall be  
14 an assisted living facility or nursing home which, after an inspection  
15 or multiple inspections of the premises, has been designated by CMS  
16 under the special focus facility initiative as a facility that:

17 (i) has more than twice the average number of deficiencies than other  
18 nursing homes or assisted living facilities;

19 (ii) has more serious deficiencies than other nursing homes or  
20 assisted living facilities, including harm or injury experienced by  
21 residents; or

22 (iii) shows a pattern of serious problems which have persisted over  
23 the prior three years before the date a nursing home or assisted living  
24 facility was designated a special focus facility by CMS.

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

LBD01199-01-1

1 3. A supervisor appointed by the department shall work in conjunction  
2 with and monitor the owner or licensed operator of such facility and its  
3 staff to provide oversight on any deficiencies cited by CMS.

4 4. A supervisor appointed shall monitor and work with a facility for a  
5 period of five years, commencing on the date that CMS designates such  
6 facility as a special focus facility. The supervisor appointed shall be  
7 relieved of its duties only if CMS determines that a facility has gradu-  
8 ated from the special focus facility initiative and supervision is no  
9 longer necessary.

10 5. Supervisors appointed by the department to work with a special  
11 focus facility shall have the following duties:

12 (a) work in conjunction with the owner or licensed operator and staff  
13 members to monitor and remedy any deficiencies cited by CMS and improve  
14 the quality of life of residents and quality of care provided by staff;

15 (b) ensure that staffing levels at such facility are adequate at all  
16 times to allow for residents to receive medication as needed in a timely  
17 manner and receive care pursuant to each resident's recommended care  
18 plan;

19 (c) improve such facilities practices to ensure they do not result in  
20 any harm or injury to its residents;

21 (d) ensure that such facility has acceptable living conditions for its  
22 residents at all times and that funds are being properly allocated to  
23 maintain or improve such conditions;

24 (e) ensure that essential equipment is regularly tested, maintained  
25 and replaced, if necessary;

26 (f) ensure each resident receives person-center care consistent with  
27 residential rights in a timely and dignified manner;

28 (g) ensure such facility meets CMS safety requirements, such as  
29 protection from fire hazards or proper evacuation methods; and

30 (h) ensure such facility is properly storing, preparing and delivering  
31 food to residents in accordance with general health practices.

32 6. The department and any assigned supervisor shall follow all addi-  
33 tional guidelines and procedures as required by CMS pursuant to the  
34 special focus facility initiative.

35 § 2. This act shall take effect on the sixtieth day after it shall  
36 have become a law.