

# STATE OF NEW YORK

4656

2021-2022 Regular Sessions

## IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the social services law, in relation to establishing a residential demonstration program for persons with advanced needs; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The social services law is amended by adding a new section  
2 461-u to read as follows:

3 § 461-u. Residential demonstration program for persons with advanced  
4 needs established. 1. The commissioner of health (referred to in this  
5 section as the "commissioner") shall establish a residential demon-  
6 stration program for persons with advanced needs (referred to in this  
7 section as the "program") that shall, notwithstanding subdivision six of  
8 section four hundred sixty-one-c of this title, provide medical, social,  
9 and residential care to persons with dementia, significant cognitive  
10 disease or behavior disturbances (as defined by nationally-recognized  
11 professional standards) in the counties of Albany, Schenectady, Sarato-  
12 ga, and other counties as approved by the commissioner. To operate a  
13 facility in the program, a facility shall be certified to operate as an  
14 adult care facility under this title and apply and be approved by the  
15 commissioner under this section. For a facility to be approved under the  
16 program, the operator of the facility shall provide the following infor-  
17 mation to the commissioner, on an application form developed by the  
18 commissioner:

19 (a) business name, street address, and mailing address of the resi-  
20 dence and of the owners of the residence;

21 (b) status of current certificate of operation;

22 (c) verification that the operator has a valid residency agreement in  
23 compliance with this title to be entered into with each resident, resi-  
24 dent's representative and resident's legal representative, if any, and

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

LBD08854-01-1

1 shall include a copy of the information to be included in the residency  
2 agreement and disclosures as required under this title that will be  
3 given to prospective residents; and

4 (d) any other information the commissioner may reasonably deem neces-  
5 sary for the evaluation of the application, provided the information is  
6 not duplicative of what is otherwise required of the applicant in  
7 obtaining an adult care facility certificate of operation.

8 2. A facility under the program shall:

9 (a) be limited to no more than ten residents, and may include an addi-  
10 tional two persons participating in adult daycare;

11 (b) provide professional medical and nursing services through employ-  
12 ment or contract; a physician shall be responsible for oversight and  
13 supervision of each facility operation;

14 (c) have entered into a memorandum of understanding with regional  
15 general hospitals and nursing homes for patient transfer and care;

16 (d) demonstrate the ability to improve health care outcomes of persons  
17 through palliative care and the coordination of health care services;

18 (e) demonstrate the ability to assist residents with severe cognitive  
19 and behavioral dysfunction consistent with their diagnosis; and

20 (f) adopt and make public a statement of the rights and responsibil-  
21 ities of the facility residents, and their lawful representatives, under  
22 section four hundred sixty-one-d of this title.

23 3. Twelve months after the approval of the first program facility, and  
24 annually thereafter, the program facility shall report to the commis-  
25 sioner on the progress of the program in a form and manner designated by  
26 the commissioner. Six months prior to the expiration of the program, the  
27 commissioner shall report on the program to the governor, the temporary  
28 president of the senate, the speaker of the assembly, the chairs of the  
29 senate and assembly health committees, and recommend its possible  
30 continuance or permanence.

31 4. The commissioner may submit the appropriate applications for waiv-  
32 ers and other applications, including to the federal center for Medicare  
33 and Medicaid services, necessary to achieve the purposes of high quali-  
34 ty, integrated, and cost effective care and integrated financial eligi-  
35 bility policies under Medicaid, child health plus or Medicare. Copies of  
36 the applications for waivers and other applications shall be provided to  
37 the chairs of the senate finance committee, the assembly ways and means  
38 committee, and the senate and assembly health committees, simultaneously  
39 with their submission to the federal government.

40 § 2. This act shall take effect immediately and shall expire and be  
41 deemed repealed four years after it shall have become a law.