

# STATE OF NEW YORK

9984

## IN ASSEMBLY

April 29, 2022

Introduced by M. of A. CUNNINGHAM -- read once and referred to the  
Committee on Children and Families

AN ACT to amend the executive law, in relation to creating the Brooklyn  
health care commission

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

1 Section 1. The executive law is amended by adding a new article 49-C  
2 to read as follows:

### ARTICLE 49-C

#### BROOKLYN HEALTH CARE COMMISSION

5 Section 996. Brooklyn health care commission.

6 996-a. Kings county health care stakeholders council.

7 § 996. Brooklyn health care commission. 1. There is hereby created in  
8 the executive department, a commission to be known as the "Brooklyn  
9 health care commission," hereafter referred to as the "commission",  
10 which shall be charged with examining the system of general hospitals,  
11 nursing homes, ambulatory and primary care facilities, and medical  
12 school facilities in Kings county and recommending changes to that  
13 system.

14 2. The commission shall consist of the following eleven members: (a)  
15 one member appointed by the temporary president of the senate; (b) one  
16 member appointed by the speaker of the assembly; (c) one member  
17 appointed by the minority leader of the senate; (d) one member appointed  
18 by the minority leader of the assembly; (e) three members appointed by  
19 the Kings county borough president, one member from each of the follow-  
20 ing three regions: (i) north of Atlantic Avenue; (ii) south and west of  
21 Flatbush Avenue; and (iii) south of Atlantic Avenue and east of Flatbush  
22 Avenue; (f) two members appointed by the mayor of New York city; and  
23 (g) two members appointed by the Governor.

24 3. The members of the commission shall receive no compensation for  
25 their service as members, but shall be allowed their actual and neces-  
26 sary expenses incurred in the performance of their duties.

27 4. The commission shall begin to act forty-five days after this arti-  
28 cle shall have become a law.

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

LBD07477-01-1

1 5. The commissioner of health shall designate such employees of the  
2 department of health as are reasonably necessary to provide support  
3 services to the commission.

4 6. The commissioner of health shall appoint: (a) one or more represen-  
5 tatives of the department to serve as a liaison between the department  
6 and the commission; (b) one or more representatives of the department to  
7 serve as a liaison between the Kings county health care stakeholders  
8 council and the commission.

9 7. The director of the dormitory authority of the state of New York  
10 shall appoint one or more representatives to be a liaison between the  
11 commission and the authority.

12 8. All departments, commissions and public authorities of the state  
13 shall be required to provide such assistance as may be reasonably  
14 requested by the chair of the commission.

15 9. In carrying out its task, the commission shall:

16 (a) conduct a complete and comprehensive epidemiological study of  
17 Kings county's health care challenges and needs;

18 (b) conduct a complete and comprehensive usability study of what type  
19 and how much health care services are used by Kings county's residents,  
20 and in which hospitals, primary care or urgent care facilities;

21 (c) study the need for capacity in the general hospital, nursing home,  
22 medical school, ambulatory care facilities and services, primary care  
23 facilities and services, urgent care facilities and services, public  
24 health clinics, and home/community-based health care services in each  
25 region of Kings county;

26 (d) study the capacity currently existing in such systems in each  
27 region of Kings county;

28 (e) study the economic impact of the economic failure of Kings coun-  
29 ty's hospitals, medical school and other health care facilities on the  
30 state, city and Kings county economies, including the capacity of the  
31 health care system to provide employment or training to health care  
32 workers affected by such eventualities;

33 (f) study the amount of capital debt being carried by general hospi-  
34 tals and nursing homes, and such other entities providing health care  
35 services in Kings county, and the nature of the bonding and credit  
36 enhancement, if any, supporting such debt, and the financial status of  
37 general hospitals and nursing homes, including revenues from Medicare,  
38 Medicaid, other government funds, and private third-party payors;

39 (g) study the availability of alternative sources of funding with  
40 regard to the capital debt of all health care facilities in Kings coun-  
41 ty;

42 (h) study the existence of other health care services in the affected  
43 region, including the availability of services for the uninsured and  
44 underinsured, and including services provided other than by general  
45 hospitals and nursing homes;

46 (i) study the potential conversion of facilities or current facility  
47 capacity for uses other than as inpatient or residential health care  
48 facilities;

49 (j) study the extent to which a facility serves the health care needs  
50 of the region, including serving Medicaid recipients, the uninsured, and  
51 underserved communities; and

52 (k) study the potential for improved quality of care and the redi-  
53 rection of resources from supporting excess capacity within Kings county  
54 toward reinvestment into productive health care purposes in Kings coun-  
55 ty, and the extent to which the actions recommended by the commission

1 would result in greater stability and efficiency in the delivery of  
2 needed health care services for a community.

3 10. The commissioner of health and the director of the dormitory  
4 authority of the state of New York may submit additional relevant  
5 factors to be considered in the deliberations of the commission. The  
6 commission shall also adopt additional factors to be considered in its  
7 deliberations, from among a list of such factors submitted by the Kings  
8 county health care stakeholder's council.

9 11. The commissioner shall also submit to the commission such informa-  
10 tion as may be available from the department of health on general hospi-  
11 tal and nursing home capacity, services and beds, availability of prima-  
12 ry and ambulatory care services, and current number of beds in such  
13 facilities, including, but not limited to, information from:

14 (a) operating certificate files;

15 (b) institutional cost reports;

16 (c) facility occupancy reports;

17 (d) annual reports of the certificate of need program; and

18 (e) the statewide planning and research cooperative system.

19 12. Records submitted to the commission or any committee thereof shall  
20 not be subject to disclosure pursuant to article six of the public offi-  
21 cers law, unless the record would be a public record before being  
22 submitted to the commission.

23 13. In carrying out its task, the commission shall also formally  
24 solicit recommendations from health care experts, county health depart-  
25 ments, community-based organizations, state and regional health care  
26 industry associations, labor unions and other interested parties as  
27 broadly as it considers it necessary and proper, and it shall take into  
28 account such recommendations and the recommendations of the Kings county  
29 health care stakeholders council during its deliberations. In developing  
30 its recommendations, the commission shall as far as practicable estimate  
31 the improvement in quality of care, financial status of the hospitals,  
32 and all other efficiencies that may be derived from reconfiguration of  
33 the Kings county health care system.

34 14. The commission shall be finished with its study and analysis and  
35 provide its recommendations, along with suggested legislative and execu-  
36 tive action, including but not limited to infrastructure investments,  
37 and refinancing of existing debt of general hospitals in Kings county,  
38 by December first, two thousand twenty-one.

39 15. The commission and its deliberations shall be subject to article  
40 seven of the public officers law. The commissioners shall be considered  
41 public officers.

42 16. The commission shall adopt its bylaws on or by its second meeting.

43 § 996-a. Kings county health care stakeholders council. 1. There is  
44 hereby created as part of the commission a council to be known as the  
45 "Kings county health care stakeholders council" hereafter referred to as  
46 the "council", which shall consist of the following nine members: (a)  
47 three members appointed by the Kings county borough president, one  
48 member from each of the following three regions; (i) north of Atlantic  
49 Avenue; (ii) south and west of Flatbush Avenue; and (iii) south of  
50 Atlantic Avenue and east of Flatbush Avenue; (b) three members appointed  
51 by the Governor, one member from each of the following three regions:  
52 (i) north of Atlantic Avenue; (ii) south and west of Flatbush Avenue;  
53 and (iii) south of Atlantic Avenue and east of Flatbush Avenue; and (c)  
54 three members appointed by the Mayor, one member from each of the  
55 following three regions: (i) north of Atlantic Avenue; (ii) south and

1 west of Flatbush Avenue; and (iii) south of Atlantic Avenue and east of  
2 Flatbush Avenue.

3 2. The members of the council shall receive no compensation for their  
4 service as members.

5 3. The council shall begin to act forty-five days after this article  
6 shall have become a law.

7 4. The council shall have at least three public meetings during the  
8 existence of the commission. Each meeting shall be held in a different  
9 region of Kings county.

10 5. The council shall develop recommendations for the commission with  
11 regard to reconfiguring Kings county's system of general hospitals,  
12 nursing homes, ambulatory and primary care facilities, and medical  
13 school facilities.

14 6. In developing recommendations for the commission, the council shall  
15 foster discussions among, and conduct formal public hearings with requi-  
16 site public notice to solicit input from, local stakeholder interests,  
17 including but not limited to community-based organizations, health care  
18 providers, labor unions, payers, businesses and consumers.

19 § 2. This act shall take effect immediately.