

STATE OF NEW YORK

4546--A

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-v to read as follows:

3 § 461-v. 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;

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

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1 (c) verification that the operator has a valid residency agreement in
2 compliance with this title to be entered into with each resident, resi-
3 dent's representative and resident's legal representative, if any, and
4 shall include a copy of the information to be included in the residency
5 agreement and disclosures as required under this title that will be
6 given to prospective residents; and

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

11 2. A facility under the program shall:

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

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

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

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

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

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

26 3. The demonstration program shall develop a plan to address the
27 advanced needs of persons in the program facility setting forth how the
28 advanced needs of such residents will be safely and appropriately met at
29 such residence. Such plan shall include:

30 (a) a written description of specialized services;

31 (b) staffing levels;

32 (c) staff education and training including topics covering:

33 (i) characteristics and needs of person with Alzheimer's disease and
34 dementia, including behavioral symptoms, and mental and emotional chang-
35 es;

36 (ii) person-centered care;

37 (iii) assessment of care planning;

38 (iv) activities to daily living;

39 (v) dementia-related behaviors and communication; and

40 (vi) other methods of meeting residents' needs on an individual basis;

41 (d) work experience of individuals (operator's staff or contractors)
42 providing services to residents;

43 (e) professional affiliations or special characteristics relevant to
44 serving persons with advanced needs; and

45 (f) any environmental modifications that have been or will be made to
46 protect the health, safety and welfare of such persons in the residence.

47 4. Twelve months after the approval of the first program facility, and
48 annually thereafter, the program facility shall report to the commis-
49 sioner on the progress of the program in a form and manner designated by
50 the commissioner. Six months prior to the expiration of the program, the
51 commissioner shall report on the program to the governor, the temporary
52 president of the senate, the speaker of the assembly, the chairs of the
53 senate and assembly health committees, and recommend its possible
54 continuance or permanence.

55 5. The commissioner may submit the appropriate applications for waiv-
56 ers and other applications, including to the federal center for Medicare

1 and Medicaid services, necessary to achieve the purposes of high quali-
2 ty, integrated, and cost effective care and integrated financial eligi-
3 bility policies under Medicaid, child health plus or Medicare. Copies of
4 the applications for waivers and other applications shall be provided to
5 the chairs of the senate finance committee, the assembly ways and means
6 committee, and the senate and assembly health committees, simultaneously
7 with their submission to the federal government.

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