

STATE OF NEW YORK

5969

2023-2024 Regular Sessions

IN SENATE

March 23, 2023

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

AN ACT to amend the public health law, in relation to medically fragile young adults and pediatric specialized nursing 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 2831 to read as follows:

3 § 2831. Medically fragile young adults. 1. For purposes of this
4 section, "medically fragile young adults" shall have the same meaning as
5 the term "medically fragile children" as set forth in subdivision
6 three-a of section thirty-six hundred fourteen of this chapter and shall
7 include medically fragile young adults who currently reside at a pedia-
8 tric specialized nursing facility and are over twenty-one years of age.

9 2. The department shall promulgate rules and regulations to allow
10 medically fragile young adults who reside in pediatric specialized nurs-
11 ing facilities to remain at such facilities after reaching the age of
12 twenty-one and until they reach the age of thirty-six. The reimbursement
13 methodology must remain the same as it was prior to reaching such age
14 and include a daily per diem rate and coverage for bedholds. Medicaid
15 reimbursement for this population for reserved beds due to hospitaliza-
16 tion and for therapeutic and hospice leaves of absence must remain at
17 one hundred percent of the Medicaid rate of medically fragile children.
18 The department may not institute a daily limit at each facility for this
19 population.

20 § 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law. Effective immediately, the addition, amend-
22 ment and/or repeal of any rule or regulation necessary for the implemen-
23 tation of this act on its effective date are authorized to be made and
24 completed on or before such date.

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

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