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I N A S S E M B L Y

March 5, 2010

Introduced by M. of A. SCHROEDER -- Multi-Sponsored by -- M. of A. BURLING, CORWIN, DelMONTE, GABRYSZAK, HAYES, HOYT, PEOPLES-STOKES, QUINN, SCHIMMINGER -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to payments for residential health care facilities in Erie county and Niagara county

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
2 367-v to read as follows:
3 S 367-V. PAYMENT FOR RESIDENTIAL HEALTH CARE FACILITIES IN ERIE COUNTY
4 AND NIAGARA COUNTY. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO
5 THE CONTRARY, RESIDENTIAL HEALTH CARE FACILITIES MEETING FIVE OF THE
6 FOLLOWING SIX CATEGORIES:
7 (A) THE FACILITY IS A NOT-FOR-PROFIT FACILITY LOCATED IN AN URBAN
8 AREA;
9 (B) THE FACILITY IS A HOSPITAL AFFILIATED FACILITY;
10 (C) THE FACILITY IS IN A METROPOLITAN STATISTICAL AREA WHERE LESS THAN
11 TWENTY PERCENT OF THE TOTAL POPULATION IS OVER THE AGE OF SIXTY-FIVE;
12 (D) THE FACILITY HAS OVER EIGHTY PERCENT OF MEDICAID PAYOR MIX;
13 (E) THERE IS JOB RETENTION AND OR CREATION FOR AT LEAST ONE HUNDRED
14 TWENTY PEOPLE PER FACILITY; AND
15 (F) THE FACILITY IS LOCATED IN ERIE COUNTY OR NIAGARA COUNTY;
16 SHALL BE REIMBURSED AT A RATE OF FORTY PERCENT ABOVE THE RATE SET FORTH
17 IN 10 NYCRR SECTION 86-2.10 FOR ALL CARE PROVIDED AT SUCH FACILITY.
18 2. THE TERM "RESIDENTIAL HEALTH CARE FACILITIES" SHALL MEAN ALL FACIL-
19 ITIES OR ORGANIZATIONS COVERED BY THE TERM "NURSING HOME" AS DEFINED IN
20 SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH
21 LAW, INCLUDING HOSPITAL-BASED RESIDENTIAL HEALTH CARE FACILITIES, AND
22 NURSING FACILITIES AS DEFINED IN SECTION 1919 OF THE FEDERAL SOCIAL
23 SECURITY ACT, PROVIDED THAT SUCH FACILITY POSSESSES A VALID OPERATING
24 CERTIFICATE ISSUED BY THE STATE COMMISSIONER OF HEALTH AND, WHERE
25 REQUIRED, HAS BEEN ESTABLISHED BY THE PUBLIC HEALTH COUNCIL.

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

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1 3. THE COMMISSIONER OF PUBLIC HEALTH IS HEREBY AUTHORIZED AND DIRECTED
2 TO ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS ACT.
3 S 2. This act shall take effect immediately, provided, however, that
4 the commissioner of public health shall promulgate any rules and regu-
5 lations necessary for the implementation of this act on or before such
6 effective date.