

10678

I N A S S E M B L Y

April 14, 2010

Introduced by M. of A. SAYWARD -- 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 Essex 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 ESSEX COUNTY.
4 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY,
5 RESIDENTIAL HEALTH CARE FACILITIES MEETING FIVE OF THE FOLLOWING SIX
6 CATEGORIES:
7 (A) THE FACILITY IS A NOT-FOR-PROFIT FACILITY LOCATED IN A RURAL AREA;
8 (B) THE FACILITY IS A HOSPITAL AFFILIATED FACILITY;
9 (C) THE FACILITY IS IN A RURAL AREA AND IN A COUNTY WHERE MORE THAN
10 FIFTEEN PERCENT OF THE TOTAL POPULATION IS OVER THE AGE OF SIXTY-FIVE;
11 (D) THE FACILITY HAS OVER SEVENTY-FIVE PERCENT OF MEDICAID PAYOR MIX;
12 (E) THERE IS JOB RETENTION AND/OR CREATION FOR AT LEAST ONE HUNDRED
13 FIFTY PEOPLE PER FACILITY; AND
14 (F) THE FACILITY IS LOCATED IN ESSEX COUNTY;
15 SHALL BE REIMBURSED AT A RATE OF FORTY PERCENT ABOVE THE RATE SET FORTH
16 IN 10 NYCRR SECTION 86-2.10 FOR ALL CARE PROVIDED AT SUCH FACILITY.
17 2. THE TERM "RESIDENTIAL HEALTH CARE FACILITIES" SHALL MEAN ALL FACILITIES
18 OR ORGANIZATIONS COVERED BY THE TERM "NURSING HOME" AS DEFINED IN
19 SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH
20 LAW, INCLUDING HOSPITAL-BASED RESIDENTIAL HEALTH CARE FACILITIES, AND
21 NURSING FACILITIES AS DEFINED IN SECTION 1919 OF THE FEDERAL SOCIAL
22 SECURITY ACT, PROVIDED THAT SUCH FACILITY POSSESSES A VALID OPERATING
23 CERTIFICATE ISSUED BY THE STATE COMMISSIONER OF HEALTH AND, WHERE
24 REQUIRED, HAS BEEN ESTABLISHED BY THE PUBLIC HEALTH COUNCIL.
25 3. THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO
26 ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.
27 S 2. This act shall take effect immediately, provided, however, that
28 the commissioner of health shall promulgate any rules and regulations
29 necessary for the implementation of this act 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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