S T A T E O F N E W Y O R K

5976

2009-2010 Regular Sessions

I N A S S E M B L Y

February 23, 2009

Introduced by M. of A. TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the rates of payment for services provided by residential health care facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (i) of paragraph (a) of subdivision 23 of section 2808 of the public health law, as added by section 29 of part C of chapter 109 of the laws of 2006, is amended to read as follows:

(i) For adult day health care services provided by residential health care facilities, effective April first, two thousand seven and thereafter, the operating component of the rate of payment established pursuant to this article for an adult day health care program which has achieved an occupancy percentage of ninety percent or greater for a calendar year prior to April first, two thousand seven, AND HAS NOT EXPANDED THE AMOUNT OF GROSS PHYSICAL PLANT SPACE AVAILABLE FOR AN ADULT HEALTH CARE SERVICE PROGRAM UNDER THE TERMS OF A VALID LEASE BY MORE THAN TWENTY-FIVE PERCENT PRIOR TO CALENDAR YEAR TWO THOUSAND FOUR, shall be calculated utilizing allowable costs reported in the two thousand four, two thousand five, or two thousand six calendar year residential health care facility cost report filed by the sponsoring residential health care facility, whichever is the earliest of such calendar year cost reports in which the program has achieved an occupancy percentage of ninety percent or greater, except that programs receiving rates of payment based on allowable costs for a period prior to April first, two thousand seven shall continue to receive rates of payment based on such period.

S 2. Subparagraph (ii) of paragraph (a) of subdivision 23 of section 2808 of the public health law, as amended by chapter 591 of the laws of 2007, is amended to read as follows:

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

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(ii) For such programs which achieved an occupancy percentage of ninety percent or greater prior to calendar year two thousand four, so long as approved capacity in that year is the same as in calendar year two thousand four, OR SO LONG AS THE PROGRAM HAS NOT EXPANDED THE AMOUNT OF GROSS PHYSICAL PLANT SPACE AVAILABLE FOR AN ADULT HEALTH CARE SERVICE PROGRAM UNDER THE TERMS OF A VALID LEASE BY MORE THAN TWENTY-FIVE PERCENT PRIOR TO CALENDAR YEAR TWO THOUSAND FOUR, but which did not maintain occupancy of ninety percent or greater in calendar years two thousand four, two thousand five, or two thousand six, the operating component of the rate of payment established pursuant to this article shall be calculated utilizing allowable costs reported in the two thousand four calendar year cost report divided by visits imputed at ninety percent occupancy.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2008.