

9550

I N A S S E M B L Y

January 15, 2010

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

AN ACT to amend the public health law, in relation to admissions to adult care facilities

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

1 Section 1. Subdivisions 13 and 15 of section 4651 of the public health
2 law, as added by chapter 2 of the laws of 2004, are amended to read as
3 follows:
4 13. "Aging in place" means, care and services at a facility which
5 possesses an enhanced assisted living certificate which, to the extent
6 practicable, within the scope of services set forth in the written resi-
7 dency agreement executed pursuant to section four thousand six hundred
8 fifty-eight of this article, accommodates a resident's changing needs
9 and preferences in order to allow such resident to BE ADMITTED TO OR
10 remain in the residence as long as the residence is able and authorized
11 to accommodate the resident's current and changing needs. A residence
12 that does not possess an enhanced assisted living certificate shall not
13 be deemed able to accommodate a resident's needs if the resident
14 requires or is in need of either enhanced assisted living or twenty-four
15 hour skilled nursing care or medical care provided by facilities
16 licensed pursuant to article twenty-eight of this chapter or article
17 nineteen, thirty-one or thirty-two of the mental hygiene law.
18 15. "Enhanced assisted living certificate" means a certificate issued
19 by the department which authorizes an assisted living residence to
20 provide aging in place by EITHER ADMITTING OR retaining residents who
21 desire [to continue] to age in place and who: (a) are chronically chair-
22 fast and unable to transfer, or chronically require the physical assist-
23 ance of another person to transfer; (b) chronically require the physical
24 assistance of another person in order to walk; (c) chronically require
25 the physical assistance of another person to climb or descend stairs;
26 (d) are dependent on medical equipment and require more than intermit-
27 tent or occasional assistance from medical personnel; or (e) has chronic
28 unmanaged urinary or bowel incontinence. IN NO EVENT SHALL A PERSON BE

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

LBD15286-02-0

1 ADMITTED TO AN ASSISTED LIVING RESIDENCE WHO IS IN NEED OF CONTINUAL
2 TWENTY-FOUR HOUR NURSING OR MEDICAL CARE, WHO IS CHRONICALLY BEDFAST, OR
3 WHO IS COGNITIVELY, PHYSICALLY OR MEDICALLY IMPAIRED TO SUCH A DEGREE
4 THAT HIS OR HER SAFETY WOULD BE ENDANGERED.
5 S 2. This act shall take effect on the one hundred eightieth day after
6 it shall have become a law; provided, however, that the commissioner of
7 health may adopt, amend, suspend or repeal any regulations or take other
8 actions necessary to enforce or implement the law prior to and in prepa-
9 ration for the taking effect of the law; provided, however, such
10 adoption, amendment, suspension or repeal of regulations shall not have
11 legal effect until the law takes effect.