

9550

I N   A S S E M B L Y

January 15, 2010

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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.