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

4807

2009-2010 Regular Sessions

I N  S E N A T E

April 27, 2009

Introduced by Sen. YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to increase the availability of adult day health care programs; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Notwithstanding any other provision of law to the contrary, an adult home, as defined by subdivision twenty-five of section two of the social services law, possessing a valid operating certificate pursuant to title two of article seven of the social services law and located in a county with a population of more than one hundred thirty thousand and less than one hundred forty thousand persons based on the two thousand federal census shall be authorized to operate an adult day health care program. Such program shall satisfy all other adult day health care program requirements as set forth in 10 NYCRR Part 425. Such program shall be reimbursed in accordance with subdivision 23 of section twenty-eight hundred eight of the public health law and 10 NYCRR Part 86-2.9 as if such program were operated by a residential health care facility without adequate cost experience and without a skilled nursing facility rate in effect on January 1, 1990. Any such adult home that receives authorization to operate an adult day health care program shall submit a report annually to the commissioner of health, the governor, the temporary president of the senate and the speaker of the assembly, which contains the cost of the program, including the savings to the state and local governments, the number of persons served by the program by county, a description of the demographic and clinical characteristics of patients served by the program, and an evaluation of the quality of care provided to persons served by the program. After release of the second report by any such program if the findings of the report do not reflect a cost savings to the state and local governments, the program may be

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

LBD07727-01-9

terminated immediately by the commissioner of health. Within thirty days of the termination of a program under this act, the commissioner of health shall submit a report to the governor, the temporary president of the senate and the speaker of the assembly which outlines the reasons for early termination of such program.

S 2. This act shall take effect immediately and shall expire and be deemed repealed September 1, 2014; provided, that any person placed in an adult day health care program pursuant to section one of this act, prior to the repeal of this act shall be authorized to remain in such program and receive the services thereof after the repeal of this act; and provided, further, that state funding for the provision of adult day health care program services authorized by this act shall continue after the repeal of this act for any person to which the provisions of this act shall continue to apply.