

5802

2009-2010 Regular Sessions

I N S E N A T E

June 5, 2009

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

AN ACT to amend the public health law, in relation to enacting the "hospital closure planning act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "hospital closure planning act".

3 S 2. The public health law is amended by adding a new section 2801-g
4 to read as follows:

5 S 2801-G. COMMUNITY PLANNING FOR HOSPITAL CLOSURE. 1. NO LATER THAN
6 THIRTY DAYS AFTER RECEIVING WRITTEN NOTICE OF A GENERAL HOSPITAL'S
7 INTENT TO VOLUNTARILY DISCONTINUE OPERATIONS OR SURRENDER ITS OPERATING
8 CERTIFICATE, OR WITHIN THIRTY DAYS OF A GENERAL HOSPITAL'S INVOLUNTARY
9 CLOSURE OR A GENERAL HOSPITAL'S CLOSURE FOR WHICH NO WRITTEN NOTICE WAS
10 PROVIDED, THE COMMISSIONER SHALL HOLD A PUBLIC HEARING CONCERNING THE
11 ANTICIPATED IMPACT OF THE GENERAL HOSPITAL'S CLOSURE ON ACCESS TO HEALTH
12 CARE SERVICES BY MEMBERS OF THE SURROUNDING COMMUNITY, INCLUDING BUT NOT
13 LIMITED TO RECIPIENTS OF MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNIN-
14 SURED, AND UNDERSERVED POPULATIONS, AND OPTIONS AND PROPOSALS TO AMELIO-
15 RATE SUCH ANTICIPATED IMPACT. THE PUBLIC HEARING SHALL BE HELD AT A
16 LOCATION WITHIN A REASONABLE PROXIMITY TO THE GENERAL HOSPITAL SUBJECT
17 TO CLOSURE, AND SHALL BE ANNOUNCED NO LESS THAN TEN DAYS PRIOR TO THE
18 HEARING DATE. THE COMMISSIONER SHALL ARRANGE FOR PERSONS WITH RELEVANT
19 EXPERTISE TO TESTIFY AT THE PUBLIC HEARING, AND SHALL AFFORD COMMUNITY
20 MEMBERS, HEALTH CARE PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND
21 CONSUMERS A REASONABLE OPPORTUNITY TO PROVIDE RELEVANT TESTIMONY.

22 2. NO LATER THAN THIRTY DAYS AFTER HOLDING A HEARING PURSUANT TO
23 SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL PROVIDE A WRIT-
24 TEN REPORT TO THE GOVERNOR AND THE LEGISLATURE STATING:

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

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1 (A) HIS OR HER FINDINGS AS TO THE ANTICIPATED IMPACT OF THE GENERAL
2 HOSPITAL'S CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE
3 SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO RECIPIENTS OF
4 MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED
5 POPULATIONS;

6 (B) SPECIFIC MEASURES THE DEPARTMENT AND OTHER PARTIES HAVE TAKEN OR
7 WILL TAKE TO AMELIORATE SUCH ANTICIPATED IMPACT; AND

8 (C) ANY FURTHER RECOMMENDATIONS TO IMPROVE ACCESS TO HEALTH CARE
9 SERVICES IN COMMUNITIES IMPACTED BY THE GENERAL HOSPITAL'S CLOSURE.

10 S 3. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after January 1, 2009.