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

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I N S E N A T E

February 2, 2010

Introduced by Sens. HANNON, BONACIC, DeFRANCISCO, FARLEY, LITTLE, MORAHAN, RANZENHOFER, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the respite care demonstration program; 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. The public health law is amended by adding a new section 2821 to read as follows:

S 2821. RESPITE CARE DEMONSTRATION PROGRAM; CAREGIVER RELIEF. 1. THERE IS HEREBY CREATED IN THE DEPARTMENT A RESPITE CARE DEMONSTRATION PROGRAM TO DETERMINE THE EFFECTIVENESS OF RESPITE CARE, AS A MEANS OF PROVIDING SUPPORT TO INFORMAL CAREGIVERS, TO INDIVIDUALS WHO HAVE LIMITATIONS PERFORMING ACTIVITIES OF DAILY LIVING OR ARE RECEIVING HOME CARE SERVICES. LICENSED RESIDENTIAL HEALTH CARE FACILITIES WITH EXCESS BEDS MAY ELECT TO PARTICIPATE IN THE PROGRAM UPON DEVELOPMENT OF A DEPARTMENTALLY APPROVED PLAN FOR THE PROVISION OF SHORT-TERM, TEMPORARY CARE OR SUPERVISION TO INDIVIDUALS WHO REQUIRE ASSISTANCE PERFORMING ACTIVITIES OF DAILY LIVING OR ARE RECEIVING HOME CARE SERVICES, IN THE ABSENCE OF SUCH INDIVIDUAL'S REGULAR CAREGIVER. DEPARTMENTAL APPROVAL FOR PARTICIPATION SHALL BE MADE PURSUANT TO GUIDELINES ESTABLISHED BY THE DEPARTMENT.

2. THE DEPARTMENT SHALL EVALUATE THE PROGRAM'S EFFECTIVENESS IN PROVIDING THE CARE RECIPIENT WITH A SAFE ENVIRONMENT WHILE PROVIDING THE CAREGIVER WITH TEMPORARY RELIEF FROM THE EMOTIONAL AND PHYSICAL BURDENS OF CARE GIVING. THE EVALUATION SHALL INCLUDE THE COST EFFECTIVENESS OF SUCH DEMONSTRATION AS A MEANS TO AVOID A MORE EXPENSIVE LONG TERM CARE ALTERNATIVE. THE DEPARTMENT SHALL SUBMIT A REPORT OF ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR AND LEGISLATURE ON OR BEFORE APRIL THIRTIETH, TWO THOUSAND THIRTEEN.

S 2. This act shall take effect January 1, 2011 and shall expire and be deemed repealed three years after such date; provided, however, that effective immediately, the addition or amendment of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be completed on or before such effective date.

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

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