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

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I N A S S E M B L Y

April 19, 2010

Introduced by M. of A. LANCMAN, MAYERSOHN, MENG, DenDEKKER, CLARK, AUBRY, TITUS, SCARBOROUGH, CARROZZA, PHEFFER, D. Weprin, M. MILLER, BENEDETTO, LIFTON, DelMONTE, REILLY, CHRISTENSEN, BENJAMIN, PERRY, HYER-SPENCER, GIBSON, MAISEL, CASTRO, ROBINSON -- Multi-Sponsored by -- M. of A. COOK, GIANARIS, GLICK, GOTTFRIED, HEVESI, MARKEY, NOLAN, SWEENEY, THIELE, WEISENBERG -- read once and referred to the Committee on Health

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:

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

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

S 2801-G. COMMUNITY PLANNING FOR HOSPITAL CLOSURE. 1. NO LATER THAN THIRTY DAYS AFTER RECEIVING WRITTEN NOTICE OF A GENERAL HOSPITAL'S INTENT TO VOLUNTARILY DISCONTINUE OPERATIONS OR SURRENDER ITS OPERATING CERTIFICATE, OR WITHIN THIRTY DAYS OF A GENERAL HOSPITAL'S INVOLUNTARY CLOSURE OR A GENERAL HOSPITAL'S CLOSURE FOR WHICH NO WRITTEN NOTICE WAS PROVIDED, THE COMMISSIONER SHALL HOLD A PUBLIC HEARING CONCERNING THE ANTICIPATED IMPACT OF THE GENERAL HOSPITAL'S CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO RECIPIENTS OF MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED POPULATIONS, AND OPTIONS AND PROPOSALS TO AMELIORATE SUCH ANTICIPATED IMPACT. THE COMMISSIONER SHALL ARRANGE FOR PERSONS WITH RELEVANT EXPERTISE TO TESTIFY AT THE PUBLIC HEARING, AND SHALL AFFORD COMMUNITY MEMBERS, HEALTH CARE PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND CONSUMERS A REASONABLE OPPORTUNITY TO PROVIDE RELEVANT TESTIMONY.

2. NO LATER THAN THIRTY DAYS AFTER HOLDING A HEARING PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL PROVIDE A WRITTEN 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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(A) HIS OR HER FINDINGS AS TO THE ANTICIPATED IMPACT OF THE GENERAL HOSPITAL'S CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO RECIPIENTS OF MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED POPULATIONS;

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

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

3. NO LATER THAN THIRTY DAYS AFTER PROVIDING A WRITTEN REPORT PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE COMMISSIONER SHALL HOLD A PUBLIC HEARING TO PRESENT THE CONTENT OF THE REPORT TO THE PUBLIC AND AFFORD MEMBERS OF THE PUBLIC AN OPPORTUNITY TO COMMENT ON THE REPORT.

4. A PUBLIC HEARING CONDUCTED PURSUANT TO THIS SECTION SHALL BE HELD AT A LOCATION WITHIN A REASONABLE PROXIMITY TO THE GENERAL HOSPITAL SUBJECT TO CLOSURE, AND SHALL BE ANNOUNCED NO LESS THAN TEN DAYS PRIOR TO THE HEARING DATE.

S 3. For any hospital closure occurring on or after January 1, 2009 and prior to the effective date of this act, the commissioner of health shall not be required to conduct the initial public hearing required pursuant to subdivision 1 of section 2801-g of the public health law as added by this act. With respect to any such hospital closure, the written report required pursuant to subdivision 2 of section 2801-g of the public health law as added by this act shall be provided within sixty days of the effective date of this act, and the subsequent public hearing required pursuant to subdivision 3 of such section shall be conducted within 30 days of the issuance of such report.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2009.