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

4512

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. ROSENTHAL, GOTTFRIED, DINOWITZ, COOK, MILLMAN, SCHIMEL, EDDINGTON, CAHILL, GREENE, KELLNER -- Multi-Sponsored by -- M. of A. BOYLAND, V. LOPEZ, J. RIVERA, ROBINSON, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the provision of average monthly rate increases information to assisted living residents

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

Section 1. Title 4 of article 46-B of the public health law is amended by adding a new section 4664 to read as follows:

S 4664. ASSISTED LIVING RESIDENCE; PROVISION OF AVERAGE MONTHLY RATE INCREASE INFORMATION. 1. ON OR BEFORE JANUARY THIRTY-FIRST OF EACH YEAR, THE OPERATOR OF AN ASSISTED LIVING RESIDENCE SHALL DISCLOSE TO THE FACILITY'S CURRENT RESIDENTS ITS AVERAGE MONTHLY RATE INCREASES, INCLUSIVE OF RENT AND SERVICE FEES, FOR EACH OF THE PREVIOUS THREE YEARS. THE OPERATOR SHALL DISCLOSE BOTH THE ACTUAL AND AVERAGE AMOUNT OF EACH INCREASE, AS WELL AS THE AVERAGE PERCENTAGE OF INCREASE.

2. (A) THE OPERATOR SHALL POST THE INFORMATION REQUIRED BY SUBDIVISION ONE OF THIS SECTION ON THE FRONT DOOR OF THE FACILITY, OR IN A PROMINENT LOCATION NO MORE THAN TEN FEET FROM THE FACILITY'S MAIN ENTRANCE AND PROVIDE SUCH INFORMATION TO THE DEPARTMENT.

(B) THE DEPARTMENT SHALL POST THE INFORMATION PROVIDED BY THE ASSISTED LIVING RESIDENCE, PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, ON ITS WEBSITE.

3. EACH RESIDENT SHALL SIGN A CONFIRMATION OF RECEIPT OF THE INFORMATION REQUIRED BY THIS SECTION, WHICH SHALL BE MAINTAINED BY THE FACILITY IN THE RESIDENT'S FILE.

4. THE OPERATOR SHALL PROVIDE A COPY OF THE INFORMATION REQUIRED BY THIS SECTION TO ANY PROSPECTIVE RESIDENT OR HIS OR HER REPRESENTATIVE AS PART OF ITS GENERAL INFORMATION MATERIALS.

5. ALL NONPROFIT ASSISTED LIVING RESIDENCES SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.

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

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