

8461

2009-2010 Regular Sessions

I N A S S E M B L Y

May 21, 2009

Introduced by M. of A. LANCMAN, MAYERSOHN -- 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:

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 HOSPITAL'S INTENT TO  
7 VOLUNTARILY DISCONTINUE OPERATIONS OR SURRENDER ITS OPERATING CERTIF-  
8 ICATE, OR WITHIN THIRTY DAYS OF AN INVOLUNTARY HOSPITAL CLOSURE OR A  
9 HOSPITAL CLOSURE FOR WHICH NO WRITTEN NOTICE WAS PROVIDED, THE COMMIS-  
10 SIONER SHALL HOLD A PUBLIC HEARING CONCERNING THE ANTICIPATED IMPACT OF  
11 THE HOSPITAL CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE  
12 SURROUNDING COMMUNITY, INCLUDING BUT NOT LIMITED TO RECIPIENTS OF  
13 MEDICAL ASSISTANCE FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED  
14 POPULATIONS, AND OPTIONS AND PROPOSALS TO AMELIORATE SUCH ANTICIPATED  
15 IMPACT. THE PUBLIC HEARING SHALL BE HELD AT A LOCATION WITHIN A REASON-  
16 ABLE PROXIMITY TO THE HOSPITAL SUBJECT TO CLOSURE, AND SHALL BE  
17 ANNOUNCED NO LESS THAN TEN DAYS PRIOR TO THE HEARING DATE. THE COMMIS-  
18 SIONER SHALL ARRANGE FOR PERSONS WITH RELEVANT EXPERTISE TO TESTIFY AT  
19 THE PUBLIC HEARING, AND SHALL AFFORD COMMUNITY MEMBERS, HEALTH CARE  
20 PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND CONSUMERS A REASONABLE  
21 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 HOSPITAL  
2 CLOSURE ON ACCESS TO HEALTH CARE SERVICES BY MEMBERS OF THE SURROUNDING  
3 COMMUNITY, INCLUDING BUT NOT LIMITED TO RECIPIENTS OF MEDICAL ASSISTANCE  
4 FOR NEEDY PERSONS, THE UNINSURED, AND UNDERSERVED POPULATIONS;

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

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

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