

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

8461--C

2009-2010 Regular Sessions

I N A S S E M B L Y

May 21, 2009

Introduced by M. of A. LANCMAN, MAYERSOHN, MENG, DenDEKKER, CLARK, PERALTA, AUBRY, TITUS, SCARBOROUGH, CARROZZA -- Multi-Sponsored by -- M. of A. COOK, GIANARIS, HEVESI, MARKEY, NOLAN, PHEFFER, WEPRIN -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted 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 COMMISSIONER SHALL ARRANGE FOR
16 PERSONS WITH RELEVANT EXPERTISE TO TESTIFY AT THE PUBLIC HEARING, AND

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

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1 SHALL AFFORD COMMUNITY MEMBERS, HEALTH CARE PROVIDERS, LABOR UNIONS,
2 PAYERS, BUSINESSES AND CONSUMERS A REASONABLE OPPORTUNITY TO PROVIDE
3 RELEVANT TESTIMONY.

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

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

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

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

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

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

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

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