

7431

I N   S E N A T E

April 9, 2010

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to payments for residential health care facilities in Essex county

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

1     Section 1. The social services law is amended by adding a new section  
2     367-v to read as follows:  
3     S 367-V. PAYMENT FOR RESIDENTIAL HEALTH CARE FACILITIES IN ESSEX COUN-  
4     TY. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO THE CONTRARY,  
5     RESIDENTIAL HEALTH CARE FACILITIES MEETING FIVE OF THE FOLLOWING SIX  
6     CATEGORIES:  
7       (A) THE FACILITY IS A NOT-FOR-PROFIT FACILITY LOCATED IN A RURAL AREA;  
8       (B) THE FACILITY IS A HOSPITAL AFFILIATED FACILITY;  
9       (C) THE FACILITY IS IN A RURAL AREA AND IN A COUNTY WHERE MORE THAN  
10     FIFTEEN PERCENT OF THE TOTAL POPULATION IS OVER THE AGE OF SIXTY-FIVE;  
11       (D) THE FACILITY HAS OVER SEVENTY-FIVE PERCENT OF MEDICAID PAYOR MIX;  
12       (E) THERE IS JOB RETENTION AND/OR CREATION FOR AT LEAST ONE HUNDRED  
13     FIFTY PEOPLE PER FACILITY; AND  
14       (F) THE FACILITY IS LOCATED IN ESSEX COUNTY;  
15     SHALL BE REIMBURSED AT A RATE OF FORTY PERCENT ABOVE THE RATE SET FORTH  
16     IN 10 NYCRR SECTION 86-2.10 FOR ALL CARE PROVIDED AT SUCH FACILITY.  
17     2. THE TERM "RESIDENTIAL HEALTH CARE FACILITIES" SHALL MEAN ALL FACIL-  
18     ITIES OR ORGANIZATIONS COVERED BY THE TERM "NURSING HOME" AS DEFINED IN  
19     SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH  
20     LAW, INCLUDING HOSPITAL-BASED RESIDENTIAL HEALTH CARE FACILITIES, AND  
21     NURSING FACILITIES AS DEFINED IN SECTION 1919 OF THE FEDERAL SOCIAL  
22     SECURITY ACT, PROVIDED THAT SUCH FACILITY POSSESSES A VALID OPERATING  
23     CERTIFICATE ISSUED BY THE STATE COMMISSIONER OF HEALTH AND, WHERE  
24     REQUIRED, HAS BEEN ESTABLISHED BY THE PUBLIC HEALTH COUNCIL.  
25     3. THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO  
26     ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.  
27     S 2. This act shall take effect immediately, provided, however, that  
28     the commissioner of health shall promulgate any rules and regulations  
29     necessary for the implementation of this act on or before such date.

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

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