

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GUNTHER, DESTITO, JAFFEE, PHEFFER -- read once
and referred to the Committee on Aging

AN ACT relating to increasing availability under the adult day health
care program; and providing for the repeal of such provisions upon
expiration thereof

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

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 any adult day health care program, established pursuant to 10 NYCRR Part
3 425, located in a county having 89 authorized slots, with a population
4 of more than 325,000 and less than 400,000 persons and in a city with a
5 population of more than 25,000 persons in such county, as recorded by
6 the 2000 United States census bureau, and which at any point in time is
7 unable to accommodate individuals awaiting placement into the adult day
8 health care program, shall be authorized by the commissioner of health
9 to increase the number of adult day health care slots available for a
10 specified period of time as part of a demonstration program by up to 50
11 slots within such county; provided, however, that such program shall
12 otherwise satisfy all other adult day health care program requirements
13 as set forth in 10 NYCRR Part 425. Further, any such program which
14 receives authorization to increase the number of adult day health care
15 slots available pursuant to this section shall submit a report annually
16 to the commissioner of health, the governor, the temporary president of
17 the senate and the speaker of the assembly, which contains the cost of
18 the program, including the savings to state and local governments, the
19 number of persons served by the program by county, a description of the
20 demographic and clinical characteristics of patients served by the
21 program, and an evaluation of the quality of care provided to persons
22 served by the program. After release of the second report by any such
23 program if the findings of the report do not reflect a cost savings to

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

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1 the state and local governments, the program may be terminated imme-
2 diately by the commissioner of health. Within 30 days of the termination
3 of a demonstration program, the commissioner of health shall submit a
4 report to the governor, the temporary president of the senate and the
5 speaker of the assembly which outlines the reasons for early termination
6 of such program.

7 S 2. This act shall take effect immediately and shall be deemed
8 repealed September 1, 2016; provided that, any person placed in an adult
9 day health care program pursuant to section one of this act, prior to
10 the repeal of this act shall be authorized to remain in such program and
11 receive the services thereof after the repeal of this act; and provided,
12 further, state funding for the provision of adult day health care
13 program services authorized by this act shall continue after the repeal
14 of this act for any person to which the provisions of this act shall
15 continue to apply.