

7713--A

Cal. No. 490

2011-2012 Regular Sessions

I N A S S E M B L Y

May 16, 2011

Introduced by M. of A. JAFFEE, GOTTFRIED -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend chapter 155 of the laws of 1986, exempting from a certain requirement of the social services law the Rudolf Steiner Fellowship Foundation, Inc. relating to its provision of continuity of care and services in an adult care facility, in relation to exempting such foundation from the requirement to obtain an enhanced assisted living certificate

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

1 Section 1. Section 2 of chapter 155 of the laws of 1986, exempting
2 from a certain requirement of the social services law the Rudolf Steiner
3 Fellowship Foundation, Inc. relating to its provision of continuity of
4 care and services in an adult care facility, subdivision 1 as amended by
5 chapter 527 of the laws of 1996, is amended to read as follows:
6 S 2. Resident care and services. 1. The Rudolf Steiner Fellowship
7 Foundation, Inc., hereafter referred to IN THIS ACT as the fellowship
8 community, is hereby exempt from the following: paragraph c of subdivi-
9 sion two of section four hundred sixty-one-a, subdivision six of section
10 four hundred sixty-one-c, subdivision four of section four hundred
11 sixty-one-d, section four hundred sixty-one-g, section four hundred
12 sixty-one-h, section four hundred sixty-one-k, and section four hundred
13 sixty-one-m of the social services law. The exemption from subdivision
14 six of section four hundred sixty-one-c, regarding the retention of
15 persons in need of continual medical or nursing care which would make
16 them eligible for a skilled nursing facility, will apply providing such
17 persons are in need of neither acute care which would require placement
18 in a hospital, nor supervision which would require placement in facili-
19 ties licensed or operated pursuant to articles nineteen, [twenty-three,]

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

LBD11102-05-1

1 twenty-nine and thirty-one of the mental hygiene law and providing that
2 the number of persons retained under this exemption shall not equal or
3 exceed the minimum number for nursing facilities. THE FELLOWSHIP COMMU-
4 NITY IS HEREBY EXEMPT FROM SECTION FORTY-SIX HUNDRED FIFTY-FOUR OF ARTI-
5 CLE FORTY-SIX-B OF THE PUBLIC HEALTH LAW, IN RELATION TO THE REQUIREMENT
6 TO APPLY FOR ENHANCED ASSISTED LIVING CERTIFICATION IF RETAINING PERSONS
7 IN NEED OF CONTINUAL MEDICAL OR NURSING CARE.

8 The fellowship community shall adhere to those department of [social
9 services] HEALTH rules and regulations relating to the operation of an
10 adult care facility which directly affect the health and safety of resi-
11 dents and all additional regulations which the department of [social
12 services] HEALTH may deem necessary.

13 2. The fellowship community shall [contract with the New York State-
14 wide Professional Standards Review Council, Inc., or other professional
15 review organization designated or approved pursuant to federal statute]
16 ENGAGE A HEALTH CARE CONSULTING ORGANIZATION DESIGNATED OR APPROVED BY
17 THE DEPARTMENT OF HEALTH FOR PURPOSES OF THIS ACT, to evaluate, once
18 every six months, the quality of care and services being provided to
19 those residents designated by the department of [social services] HEALTH
20 as requiring said evaluation. The [New York Statewide Professional Stan-
21 dards Review Council, Inc., or other approved review] HEALTH CARE
22 CONSULTING organization ENGAGED FOR THIS PURPOSE shall furnish the
23 department of [social services] HEALTH and the fellowship community with
24 a report within fourteen days of an evaluation which specifies the qual-
25 ity of care and services being provided to the designated residents and
26 shall set forth directions as to the manner and time in which deficien-
27 cies shall be corrected.

28 3. The fellowship community shall institute changes in care and
29 services pursuant to the directions of the [New York Statewide Profes-
30 sional Standards Review Council Inc., or other approved review] APPROVED
31 OR DESIGNATED HEALTH CARE CONSULTING organization. If changes are not
32 undertaken in the manner and time periods specified in such reports and
33 to the satisfaction of the [professional review] APPROVED OR DESIGNATED
34 HEALTH CARE CONSULTING organization, then the designated residents shall
35 be transferred to an appropriate facility as soon as possible. If the
36 [New York Statewide Professional Standards Review Council, Inc., or
37 other approved review] APPROVED OR DESIGNATED HEALTH CARE CONSULTING
38 organization determines that the appropriateness and/or quality of care
39 and services provided to a resident or residents is unsatisfactory, then
40 the resident or residents shall be transferred to an appropriate facili-
41 ty.

42 If the fellowship community fails to institute changes or to transfer
43 residents within the specified time periods the department of [social
44 services] HEALTH may suspend the [exemption] EXEMPTIONS allowed in
45 subdivision one of section two of this act, or may impose any enforce-
46 ment action authorized by section four hundred sixty-d of the social
47 services law.

48 S 2. This act shall take effect immediately.