

878

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GOTTFRIED, DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the social services law and the public health law, in relation to approval of applications for establishment of adult care facilities

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

1 Section 1. Section 461-b of the social services law is amended by
2 adding a new subdivision 9 to read as follows:
3 9. AN INDIVIDUAL OR ENTITY WHICH IS NOT THE APPROVED OPERATOR OF AN
4 ADULT HOME, ENRICHED HOUSING PROGRAM OR RESIDENCE FOR ADULTS SHALL NOT
5 PARTICIPATE IN THE TOTAL GROSS INCOME OR NET REVENUE OF SUCH FACILITY.
6 S 2. Section 461-b of the social services law is amended by adding a
7 new subdivision 10 to read as follows:
8 10. ANY FEE FOR THE LEASE OF THE REAL PROPERTY ON WHICH AN ADULT HOME,
9 ENRICHED HOUSING PROGRAM OR RESIDENCE FOR ADULTS IS LOCATED AND/OR FOR
10 THE LEASE OF THE PREMISES OCCUPIED BY SUCH A FACILITY, PROGRAM OR RESI-
11 DENCE SHALL BE NO GREATER THAN THE COMMERCIALLY REASONABLE FAIR MARKET
12 VALUE FOR SIMILAR PROPERTIES OR PREMISES IN THE GEOGRAPHIC REGION IN
13 WHICH SUCH A FACILITY, PROGRAM OR RESIDENCE IS LOCATED.
14 S 3. Subdivision 5 of section 4655 of the public health law, as added
15 by chapter 2 of the laws of 2004, is amended to read as follows:
16 5. In addition to the requirements otherwise required for licensure as
17 assisted living, any [residence] ADULT CARE FACILITY SUBJECT TO THE
18 INSPECTION AND SUPERVISION OF THE DEPARTMENT that advertises or markets
19 itself as serving individuals with special needs, including, but not
20 limited to, individuals with dementia or cognitive impairments, must
21 submit a special needs plan to the department setting forth how the
22 special needs of such residents will be safely and appropriately met at
23 such [residence] FACILITY. Such plan shall include, but need not be

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

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1 limited to, a written description of specialized services, staffing
2 levels, staff education and training, work experience, professional
3 affiliations or special characteristics relevant to serving persons with
4 special needs, and any environmental modifications that have been made
5 or will be made to protect the health, safety and welfare of such
6 persons in the [residence] FACILITY. In approving an application for
7 special needs certification, the department shall develop standards to
8 ensure adequate staffing and training in order to safely meet the needs
9 of the resident. The standards shall be based upon recommendations of
10 the task force established by section five of [the] chapter TWO of the
11 laws of two thousand four [which added this section]. No [residence]
12 ADULT CARE FACILITY SUBJECT TO THE INSPECTION AND SUPERVISION OF THE
13 DEPARTMENT shall market [themselves] ITSELF as providing specialized
14 services unless and until the department has approved such applicant for
15 a special needs assisted living certificate.

16 S 4. This act shall take effect on the sixtieth day after it shall
17 have become a law; provided, however, that the commissioner of health
18 may adopt, amend, suspend or repeal any regulations or take other
19 actions necessary to enforce or implement this act prior to and in prep-
20 aration for the taking effect of this act; provided, however, such
21 adoption, amendment, suspension or repeal of regulations shall not have
22 legal effect until this act takes effect.