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

4738--A

2011-2012 Regular Sessions

I N S E N A T E

April 18, 2011

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to continuing care retirement communities

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

Section 1. Subdivision 2-b of section 4601 of the public health law, as added by chapter 659 of the laws of 1997, paragraph a as amended by chapter 401 of the laws of 2003, is amended to read as follows:

2-b. "Continuing care retirement community" or "community" shall mean a facility or facilities established to provide a comprehensive, cohesive living arrangement for the elderly, oriented to the enhancement of the quality of life and which, pursuant to the terms of the continuing care contract, at a minimum:

a. provides independent living units, and provides a meal plan. The independent living unit can be made available either through a non-equity arrangement or through an equity arrangement including, but not limited to a cooperative or condominium. For purposes of this article, the purchase price of an independent living unit in an equity arrangement, regardless of the form of the purchase agreement, shall not be considered an entry fee for purposes of calculating reserve liabilities, but shall be considered an entry fee for escrow purposes;

b. provides a range of health care and social services, subject to such terms as may be included within the contract, which shall include [home health care, nursing care] ADULT CARE FACILITY SERVICES OF AN ON-SITE OR AFFILIATED ADULT CARE FACILITY, and at a minimum, sixty days of prepaid services of an on-site or affiliated nursing facility FOR RESIDENTS NOT RECEIVING SERVICES UNDER A FEE-FOR-SERVICE CONTRACT;

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

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c. provides access to health services as defined in the contract, prescription drugs, and rehabilitation services; [and]

d. nothing in this article shall eliminate the obligation of a continuing care retirement community to provide at least sixty days of prepaid nursing facility services to all residents, WITH THE EXCEPTION OF RESIDENTS RECEIVING SERVICES UNDER THE TERMS OF A FEE-FOR-SERVICE CONTINUING CARE CONTRACT AS DEFINED IN THIS SECTION. The prepaid days must include the first sixty days of nursing facility services, whether or not consecutive, not covered by Title XVIII of the federal social security act[.]; AND

E. COMMUNITIES ESTABLISHED UNDER THIS ARTICLE AND OFFERING FEE-FOR-SERVICE CONTINUING CARE CONTRACTS MUST OFFER, ALONG WITH SUCH FEE-FOR-SERVICE CONTINUING CARE CONTRACTS, LIFE CARE AND/OR CONTINUING CARE CONTRACTS AS DEFINED IN SUBDIVISION EIGHT-A OF THIS SECTION.

S 2. Section 4601 of the public health law is amended by adding a new subdivision 8-a to read as follows:

8-A. "FEE-FOR-SERVICE CONTINUING CARE CONTRACT" SHALL MEAN A SINGLE CONTINUING CARE RETIREMENT CONTRACT THAT PROVIDES LONG-TERM AND OTHER SERVICES ON A PER DIEM, FEE-FOR-SERVICE OR MONTHLY RATE.

S 3. This act shall take effect immediately.