

4875--B

Cal. No. 524

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sens. HANNON, CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in 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

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

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1 persons are in need of neither acute care which would require placement
2 in a hospital, nor supervision which would require placement in facili-
3 ties licensed or operated pursuant to articles nineteen, [twenty-three,]
4 twenty-nine and thirty-one of the mental hygiene law and providing that
5 the number of persons retained under this exemption shall not equal or
6 exceed the minimum number for nursing facilities. THE FELLOWSHIP COMMU-
7 NITY IS HEREBY EXEMPT FROM SECTION FORTY-SIX HUNDRED FIFTY-FOUR OF ARTI-
8 CLE FORTY-SIX-B OF THE PUBLIC HEALTH LAW, IN RELATION TO THE REQUIREMENT
9 TO APPLY FOR ENHANCED ASSISTED LIVING CERTIFICATION IF RETAINING PERSONS
10 IN NEED OF CONTINUAL MEDICAL OR NURSING CARE.

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

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

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

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

51 S 2. This act shall take effect immediately.