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

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Cal. No. 599

2011-2012 Regular Sessions

I N S E N A T E

May 2, 2011

Introduced by Sens. HANNON, LARKIN, VALESKY -- 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, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to hospital construction

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

Section 1. Subdivision 1-a of section 2802 of the public health law, as added by section 58 of part A of chapter 58 of the laws of 2010, is amended and a new subdivision 1-b is added to read as follows:

1-a. The following types of construction projects by a hospital possessing a valid operating certificate shall not require prior approval pursuant to this section, PROVIDED THAT A WRITTEN NOTICE HAS BEEN SUBMITTED TO THE DEPARTMENT TOGETHER WITH, WHERE APPROPRIATE, A WRITTEN ARCHITECT AND/OR ENGINEERING CERTIFICATION THAT THE PROJECT MEETS THE APPLICABLE STATUTES, CODES AND REGULATIONS SPECIFIED IN THE CERTIFICATION STATEMENT AND, WHERE REQUIRED BY THE DEPARTMENT, THE HOSPITAL SHALL IMPLEMENT A PLAN TO PROTECT PATIENT SAFETY DURING CONSTRUCTION:

(a) correction of cited deficiencies, provided that[:

(i)] the construction is limited to the correction of the deficiencies and is authorized by a plan of correction approved by the department;

[(ii) a written notice has been submitted to the department together with, where appropriate, a written architect and/or engineering certification that the project meets the applicable statutes, codes and regulations specified in the certification statement; and

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

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(iii) the hospital shall implement a plan to protect patient safety during construction; and]

(b) REPAIR OR MAINTENANCE, REGARDLESS OF COST, INCLUDING ROUTINE PURCHASES AND THE ACQUISITION OF MINOR EQUIPMENT UNDERTAKEN IN THE COURSE OF A HOSPITAL'S INVENTORY CONTROL FUNCTIONS;

(C) NON-CLINICAL INFRASTRUCTURE PROJECTS REGARDLESS OF COST INCLUDING, BUT NOT LIMITED TO, REPLACEMENT OF HEATING, VENTILATING AND AIR CONDITIONING SYSTEMS, ROOFS, FIRE ALARM AND CALL BELL SYSTEMS, PARKING LOTS AND ELEVATORS;

(D) ONE FOR ONE EQUIPMENT REPLACEMENTS REGARDLESS OF COST, INCLUDING REPLACEMENT OF EQUIPMENT WITH ANOTHER PIECE OF EQUIPMENT USED FOR SIMILAR PURPOSES BUT EMPLOYING CURRENT TECHNOLOGY; AND

(E) other projects as specified in regulations adopted by the council and approved by the commissioner.

1-B. THE COMMISSIONER IS AUTHORIZED TO WAIVE ANY REQUIREMENT FOR PRE-OPENING CERTIFICATIONS AND/OR SURVEYS FOR CONSTRUCTION PROJECTS APPROVED IN ACCORDANCE WITH THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.