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

6121

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, in relation to statutory authorizations; and to repeal section 4 of such chapter relating thereto

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

Section 1. Section 1 of chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, is amended to read as follows:

Section 1. Legislative intent. [New York state has long recognized the need to support a full continuum of long term care services for the aging that supports the ability of seniors to remain in integrated community settings for as long as possible. The state has offered similar support to allow persons with developmental disabilities and their caregivers to live in community settings, but for the most part not in integrated housing arrangements. Further, the state does not currently support a service model that adequately supports the increasingly sophisticated long term health care needs of persons with developmental disabilities who are elderly in an integrated community setting that includes elderly persons with developmental disabilities and others.]

The Legislature finds that the Camphill movement has a long tradition of providing services to persons with developmental disabilities in fully integrated community settings through its worldwide network of planned, intentional communities serving persons with and without developmental disabilities. [Much more than providers of basic services for people with developmental disabilities, Camphill communities offer an environment where people of all ages and abilities share home, work and social activities and enjoy a rich artistic and cultural life with opportunities for spiritual expression and dignified work. Camphill

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

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communities rely on both paid and volunteer workers to ensure that persons with developmental disabilities can realize their full potential through constructive and productive interactions as fully participatory members of their communities.

The Legislature further finds that members of such communities must frequently leave those communities when they develop long term health care needs that cannot be addressed in those settings. In such cases, they are often admitted to less integrated settings that negatively impact their quality of life and generate costs to those individuals and to the state that would not be necessary if a more appropriate alternative were available. In recognition of this fact,] Camphill Village USA, Inc., which currently operates a Camphill community in Copake, New York, is in the process of developing a community in Ghent, New York, under the auspices of Camphill Ghent, Inc., ("Camphill Ghent"), that would provide an array of long term care services, including assisted living, to persons with and without developmental disabilities WHO WOULD LIVE IN A FULLY INTEGRATED SETTING in the Camphill tradition. TO PERMIT THE ESTABLISHMENT AND OPERATION OF SUCH COMMUNITY AND ALLOW ITS RESIDENTS TO "AGE IN PLACE," IT IS NECESSARY TO EXEMPT CAMPHILL GHENT FROM CERTAIN STATUTORY PROVISIONS.

[The Legislature further finds that the Camphill Ghent project is consistent with the goal of both the department of health and the office for people with developmental disabilities to provide cost effective services in the most integrated setting appropriate to the needs of residents. In fact, Camphill Ghent has already received support from the state in the form of a $9.6 million grant under the Healthcare Efficiency and Affordability Law for New Yorkers and the Federal-State Health Reform Partnership, pursuant to which it is subject to state oversight and regulation.

However, there are currently legislative barriers to the full realization of the Camphill Ghent goal, including barriers against allowing residents to age in place, barriers against full funding for the services necessary for persons living in a fully integrated setting who have both developmental disabilities and significant long term health care needs, and barriers against the use of volunteer services provided by the potential residents of the new community. In the past, the Legislature has enacted legislation to support a Camphill-related facility in New York state by removing such barriers. Moreover, Camphill Village has a proven track record of providing services at substantially lower cost than comparable providers. Accordingly, the Legislature finds that it is in the best interests of the state to establish Camphill Ghent as a unique program to provide long term care services to persons with developmental disabilities and others in an integrated community setting in a manner that allows such individuals to age in place with all appropriate state supports, and without the barriers that will prevent such persons from becoming fully participatory members of their community.]

S 2. Section 2 of chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, is amended to read as follows:

S 2. The Legislature hereby authorizes the establishment of a community in Columbia county known as Camphill Ghent, Inc. (hereinafter "Camphill Ghent"), that is specifically designed to provide long term care and other services to persons with developmental disabilities and others. Such community shall:

(a) include, at a minimum, SUBJECT TO THE APPROVAL OF THE COMMISSIONER OF HEALTH AND THE PUBLIC HEALTH AND HEALTH PLANNING COUNCIL, AS APPROPRIATE, an assisted living program as defined in section 461-l of the social services law, other adult home beds as defined in subdivision 25 of section 2 of the social services law, and unlicensed housing targeted to seniors aged 55 and over comprised of self-contained studio, one bedroom and two bedroom units connected to common areas for common dining and recreation, and two and three bedroom independent housing units;

(b) include a series of buildings for common use that will house a variety of non-medical services available to community residents;

(c) include both persons with developmental disabilities and persons without developmental disabilities among the residents;

(d) include extensive use of volunteers to supplement the services provided by the required professional staff; and

(e) provide regular reports to the state consistent with its obligations under section 2818 of the public health law.

S 3. Section 3 of chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, is amended to read as follows:

S 3. Notwithstanding subdivision 6 of section 461-c and subparagraph (ii) of paragraph (d) of subdivision 1 and subparagraph (iii) of paragraph (d) of subdivision 2 of section 461-l of the social services law, an eligible person who has been admitted to the adult home or assisted living program at Camphill Ghent, who is otherwise no longer eligible for participation in an adult home or assisted living program because such person is in need of continual nursing or medical care, chronically bedfast or chairfast, or cognitively, physically or medically impaired to such a degree that his or her safety would otherwise be endangered, may remain in the adult home or assisted living program at Camphill Ghent provided that the program provides such additional nursing, medical or other care as necessary for such person to be safely and adequately cared for, as determined by the program and such person or his or her legal representative. [The rates payable to the assisted living program at Camphill Ghent may be adjusted to reflect all or part of the cost of such additional medical, nursing or other care.]

S 4. Section 4 of chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, is REPEALED.

S 5. Section 5 of chapter 594 of the laws of 2011, relating to authorizing the establishment of a long term care community in Columbia county known as Camphill Ghent, Inc. to provide integrated services to certain persons, is amended to read as follows:

S 5. Camphill Ghent shall be exempt from [the following provisions of the social services law:] subdivision 6 of section 461-c of the social services law regarding retention standards in adult care facilities; subdivision 4 of section 461-d of the social services law regarding compensation of residents of certain adult care facilities for services performed on behalf of such adult care facility; and subparagraph (ii) of paragraph (d) of subdivision 1 of section 461-l of the social services law regarding retention standards in assisted living programs. Camphill Ghent shall also be exempt from subdivision 15 of section 4651 and section 4654 of the public health law, AS ADDED BY CHAPTER 2 OF THE LAWS OF 2004, regarding enhanced assisted living certification. The

exemption from subdivision 6 of section 461-c of the social services law and subparagraph (ii) of paragraph (d) of subdivision 1 of section 461-l of the social services law shall apply only to the extent that Camphill Ghent meets the requirements of section three of this act.

S 6. This act shall take effect immediately.