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

10274

I N A S S E M B L Y

May 17, 2012

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

AN ACT to amend the public health law, in relation to authorizing adult day care programs to provide certain services at the site of a voluntary residential health care facility rightsizing demonstration program

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

Section 1. Section 2801-e of the public health law is amended by adding a new subdivision 8 to read as follows:

8. CONSISTENT WITH THE DEVELOPMENT OF LESS RESTRICTIVE AND LESS INSTITUTIONAL LONG-TERM CARE SERVICES THROUGH THE VOLUNTARY RESIDENTIAL HEALTH CARE FACILITY DEMONSTRATION PROGRAM, THIS SUBDIVISION PROVIDES ADULT DAY HEALTH CARE PROGRAMS WITH PROGRAMMATIC FLEXIBILITY TO MEET THE NEEDS OF SENIORS AND THE DISABLED IN THE COMMUNITY WITHIN THE MANDATORY MANAGED CARE ENVIRONMENT. NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY, APPROVED ADULT DAY HEALTH CARE PROGRAMS, AT THE INITIATIVE OF A PROGRAM AND UPON NOTIFICATION TO THE DEPARTMENT, MAY PROVIDE SERVICES TO PERSONS WITH HEALTH CARE NEEDS, HEALTH CARE AND SOCIAL NEEDS OR ONLY SOCIAL NEEDS AT THE SAME TIME AND WITHIN THE SAME LOCATION UP TO ONE HUNDRED THIRTY PERCENT OF THE PROGRAM'S APPROVED CAPACITY. ADULT DAY CARE PROGRAMS MAY PROVIDE AN ENROLLED INDIVIDUAL A SUBSET OF ADULT DAY HEALTH CARE SERVICES REQUIRED UNDER DEPARTMENT REGULATIONS PURSUANT TO A SERVICE PLAN, PLAN OF CARE OR CARE PLAN AGREED UPON BY THE ADULT DAY HEALTH CARE PROGRAM AND A MANAGED CARE ORGANIZATION AUTHORIZED TO PROVIDE SERVICES UNDER THE MEDICAL ASSISTANCE PROGRAM. FOR THOSE PROGRAMS APPROVED PRIOR TO JANUARY FIRST, TWO THOUSAND TWELVE SPONSORSHIP MAY BE TRANSFERRED FROM A RESIDENTIAL HEALTH CARE FACILITY TO A MANAGED LONG-TERM CARE PLAN UPON NOTIFICATION TO THE DEPARTMENT. NOTHING IN THIS SUBDIVISION SHALL DIMINISH THE DEPARTMENT'S OVERSIGHT OF ADULT DAY HEALTH PROGRAMS AND THE DEPARTMENT MAY REVOKE THE AUTHORITY GRANTED IN THIS SUBDIVISION PROVIDED THAT THE DEPARTMENT OFFERS THE OPPORTUNITY FOR A PUBLIC HEARING AS PROVIDED FOR IN SUBPARA-

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

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GRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION TEN OF SECTION TWENTY-EIGHT HUNDRED ONE-A OF THIS ARTICLE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law, and the department of health is authorized and directed to promulgate, amend and/or repeal, on an emergency basis, any rules and regulations necessary to implement the provisions of this act.