

10274

I N   A S S E M B L Y

May 17, 2012

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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:

1     Section 1. Section 2801-e of the public health law is amended by  
2     adding a new subdivision 8 to read as follows:  
3     8.     CONSISTENT WITH THE DEVELOPMENT OF LESS RESTRICTIVE AND LESS  
4     INSTITUTIONAL LONG-TERM CARE SERVICES THROUGH THE VOLUNTARY RESIDENTIAL  
5     HEALTH CARE FACILITY DEMONSTRATION PROGRAM, THIS SUBDIVISION PROVIDES  
6     ADULT DAY HEALTH CARE PROGRAMS WITH PROGRAMMATIC FLEXIBILITY TO MEET THE  
7     NEEDS OF SENIORS AND THE DISABLED IN THE COMMUNITY WITHIN THE MANDATORY  
8     MANAGED CARE ENVIRONMENT. NOTWITHSTANDING ANY PROVISION OF LAW OR REGU-  
9     LATION TO THE CONTRARY, APPROVED ADULT DAY HEALTH CARE PROGRAMS, AT THE  
10    INITIATIVE OF A PROGRAM AND UPON NOTIFICATION TO THE DEPARTMENT, MAY  
11    PROVIDE SERVICES TO PERSONS WITH HEALTH CARE NEEDS, HEALTH CARE AND  
12    SOCIAL NEEDS OR ONLY SOCIAL NEEDS AT THE SAME TIME AND WITHIN THE SAME  
13    LOCATION UP TO ONE HUNDRED THIRTY PERCENT OF THE PROGRAM'S APPROVED  
14    CAPACITY. ADULT DAY CARE PROGRAMS MAY PROVIDE AN ENROLLED INDIVIDUAL A  
15    SUBSET OF ADULT DAY HEALTH CARE SERVICES REQUIRED UNDER DEPARTMENT REGU-  
16    LATIONS PURSUANT TO A SERVICE PLAN, PLAN OF CARE OR CARE PLAN AGREED  
17    UPON BY THE ADULT DAY HEALTH CARE PROGRAM AND A MANAGED CARE ORGANIZA-  
18    TION AUTHORIZED TO PROVIDE SERVICES UNDER THE MEDICAL ASSISTANCE  
19    PROGRAM. FOR THOSE PROGRAMS APPROVED PRIOR TO JANUARY FIRST, TWO THOU-  
20    SAND TWELVE SPONSORSHIP MAY BE TRANSFERRED FROM A RESIDENTIAL HEALTH  
21    CARE FACILITY TO A MANAGED LONG-TERM CARE PLAN UPON NOTIFICATION TO THE  
22    DEPARTMENT. NOTHING IN THIS SUBDIVISION SHALL DIMINISH THE DEPARTMENT'S  
23    OVERSIGHT OF ADULT DAY HEALTH PROGRAMS AND THE DEPARTMENT MAY REVOKE THE  
24    AUTHORITY GRANTED IN THIS SUBDIVISION PROVIDED THAT THE DEPARTMENT  
25    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.

LBD15717-02-2

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

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