

4977

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. SCHROEDER, HOYT, GABRYSZAK, SCHIMMINGER,
PEOPLES-STOKES, BURLING, CORWIN, HAYES -- read once and referred to
the Committee on Social Services

AN ACT to amend the social services law, in relation to payments for
residential health care facilities in Erie county and Niagara county

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

1 Section 1. The social services law is amended by adding a new section
2 367-y to read as follows:
3 S 367-Y. PAYMENT FOR RESIDENTIAL HEALTH CARE FACILITIES IN ERIE COUNTY
4 AND NIAGARA COUNTY. 1. NOTWITHSTANDING ANY LAW, RULE OR REGULATION TO
5 THE CONTRARY, RESIDENTIAL HEALTH CARE FACILITIES MEETING FIVE OF THE
6 FOLLOWING SIX CATEGORIES:
7 (A) THE FACILITY IS A NOT-FOR-PROFIT FACILITY LOCATED IN AN URBAN
8 AREA;
9 (B) THE FACILITY IS A HOSPITAL AFFILIATED FACILITY;
10 (C) THE FACILITY IS IN A METROPOLITAN STATISTICAL AREA WHERE MORE THAN
11 FIFTEEN AND ONE-HALF PERCENT OF THE TOTAL POPULATION IS OVER THE AGE OF
12 SIXTY-FIVE;
13 (D) THE FACILITY HAS OVER EIGHTY PERCENT OF MEDICAID PAYOR MIX;
14 (E) THERE IS JOB RETENTION AND/OR CREATION FOR AT LEAST ONE HUNDRED
15 TWENTY PEOPLE PER FACILITY; AND
16 (F) THE FACILITY IS LOCATED IN ERIE COUNTY OR NIAGARA COUNTY;
17 SHALL BE REIMBURSED AT A MEDICAID RATE (LESS CAPITAL) OF FORTY PERCENT
18 ABOVE THE RATE SET FORTH IN 10 NYCRR SECTION 86-2.10 FOR ALL CARE
19 PROVIDED AT SUCH FACILITY.
20 2. THE TERM "RESIDENTIAL HEALTH CARE FACILITIES" SHALL MEAN ALL FACIL-
21 ITIES OR ORGANIZATIONS COVERED BY THE TERM "NURSING HOME" AS DEFINED IN
22 SUBDIVISION TWO OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH
23 LAW, INCLUDING HOSPITAL-BASED RESIDENTIAL HEALTH CARE FACILITIES, AND
24 NURSING FACILITIES AS DEFINED IN SECTION 1919 OF THE FEDERAL SOCIAL

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

LBD06861-01-1

1 SECURITY ACT, PROVIDED THAT SUCH FACILITY POSSESSES A VALID OPERATING
2 CERTIFICATE ISSUED BY THE STATE COMMISSIONER OF HEALTH AND, WHERE
3 REQUIRED, HAS BEEN ESTABLISHED BY THE PUBLIC HEALTH COUNCIL.

4 3. THE COMMISSIONER OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO
5 ADOPT RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

6 S 2. This act shall take effect immediately, provided, however, that
7 the commissioner of health shall promulgate any rules and regulations
8 necessary for the implementation of this act on or before such effective
9 date.