

7665

2011-2012 Regular Sessions

I N A S S E M B L Y

May 12, 2011

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

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:

1 Section 1. Subdivision 1-a of section 2802 of the public health law,
2 as added by section 58 of part A of chapter 58 of the laws of 2010, is
3 amended and a new subdivision 1-b is added to read as follows:
4 1-a. The following types of construction projects by a hospital
5 possessing a valid operating certificate shall not require prior
6 approval pursuant to this section:
7 (a) correction of cited deficiencies, provided that:
8 (i) the construction is limited to the correction of the deficiencies
9 and is authorized by a plan of correction approved by the department;
10 (ii) a written notice has been submitted to the department together
11 with, where appropriate, a written architect and/or engineering certification
12 that the project meets the applicable statutes, codes and regulations
13 specified in the certification statement; and
14 (iii) the hospital shall implement a plan to protect patient safety
15 during construction; [and]
16 (b) REPAIR OR MAINTENANCE, REGARDLESS OF COST, INCLUDING ROUTINE
17 PURCHASES AND THE ACQUISITION OF MINOR EQUIPMENT UNDERTAKEN IN THE
18 COURSE OF A HOSPITAL'S INVENTORY CONTROL FUNCTIONS;
19 (C) NON-CLINICAL INFRASTRUCTURE PROJECTS REGARDLESS OF COST INCLUDING,
20 BUT NOT LIMITED TO, REPLACEMENT OF HEATING, VENTILATING AND AIR CONDITIONING
21 SYSTEMS, ROOFS, FIRE ALARM AND CALL BELL SYSTEMS, PARKING LOTS
22 AND ELEVATORS;
23 (D) ONE FOR ONE EQUIPMENT REPLACEMENTS REGARDLESS OF COST, INCLUDING
24 REPLACEMENT OF EQUIPMENT WITH ANOTHER PIECE OF EQUIPMENT USED FOR SIMILAR
25 PURPOSES BUT EMPLOYING ADVANCED TECHNOLOGY, PROVIDED THAT A WRITTEN

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

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1 NOTICE HAS BEEN SUBMITTED TO THE DEPARTMENT TOGETHER WITH, WHERE APPRO-
2 PRIATE, A WRITTEN CERTIFICATION THAT THE PROJECT MEETS THE APPLICABLE
3 STATUTES, CODES AND REGULATIONS SPECIFIED IN THE CERTIFICATION STATE-
4 MENT; AND
5 (E) other projects as specified in regulations adopted by the council
6 and approved by the commissioner.
7 1-B. THE COMMISSIONER SHALL NOT REQUIRE PRE-OPENING CERTIFICATIONS
8 AND/OR SURVEYS FOR CONSTRUCTION PROJECTS APPROVED IN ACCORDANCE WITH
9 THIS SECTION AS LONG AS APPROPRIATE CERTIFICATION STATEMENTS OF COMPLI-
10 ANCE ARE SUBMITTED TO THE DEPARTMENT. THE DEPARTMENT SHALL ASSESS
11 COMPLIANCE DURING THE DEPARTMENT'S NEXT ON-SITE SURVEY OF THE HOSPITAL.
12 IF AT THAT TIME A PROJECT IS FOUND TO BE NON-COMPLIANT, THE HOSPITAL
13 SHALL HAVE A REASONABLE AMOUNT OF TIME TO BRING THE PROJECT INTO COMPLI-
14 ANCE AND THE HOSPITAL SHALL NOT BE PENALIZED FOR SUCH NON-COMPLIANCE IF
15 THE HOSPITAL'S CERTIFICATION STATEMENT WAS MADE IN GOOD FAITH.
16 S 2. This act shall take effect on the one hundred eightieth day after
17 it shall have become a law.