

7665--B

R. R. 191

2011-2012 Regular Sessions

I N A S S E M B L Y

May 12, 2011

Introduced by M. of A. RUSSELL, SCHIMMINGER, GUNTHER, GIGLIO, BOYLAND --
Multi-Sponsored by -- M. of A. P. RIVERA -- read once and referred to
the Committee on Health -- reported and referred to the Committee on
Codes -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee -- amended on the special
order of third reading, ordered reprinted as amended, retaining its
place on the special order of third reading

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 ASSEM-
BLY, 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, PROVIDED THAT A WRITTEN NOTICE HAS
7 BEEN SUBMITTED TO THE DEPARTMENT TOGETHER WITH, WHERE APPROPRIATE, A
8 WRITTEN ARCHITECT AND/OR ENGINEERING CERTIFICATION THAT THE PROJECT
9 MEETS THE APPLICABLE STATUTES, CODES AND REGULATIONS SPECIFIED IN THE
10 CERTIFICATION STATEMENT AND, WHERE REQUIRED BY THE DEPARTMENT, THE
11 HOSPITAL SHALL IMPLEMENT A PLAN TO PROTECT PATIENT SAFETY DURING
12 CONSTRUCTION:
13 (a) correction of cited deficiencies, provided that[:
14 (i)] the construction is limited to the correction of the deficiencies
15 and is authorized by a plan of correction approved by the department;
16 [(ii) a written notice has been submitted to the department together
17 with, where appropriate, a written architect and/or engineering certif-
18 ication that the project meets the applicable statutes, codes and regu-
19 lations specified in the certification statement; and

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

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1 (iii) the hospital shall implement a plan to protect patient safety
2 during construction; and]

3 (b) REPAIR OR MAINTENANCE, REGARDLESS OF COST, INCLUDING ROUTINE
4 PURCHASES AND THE ACQUISITION OF MINOR EQUIPMENT UNDERTAKEN IN THE
5 COURSE OF A HOSPITAL'S INVENTORY CONTROL FUNCTIONS;

6 (C) NON-CLINICAL INFRASTRUCTURE PROJECTS REGARDLESS OF COST INCLUDING,
7 BUT NOT LIMITED TO, REPLACEMENT OF HEATING, VENTILATING AND AIR CONDI-
8 TIONING SYSTEMS, ROOFS, FIRE ALARM AND CALL BELL SYSTEMS, PARKING LOTS
9 AND ELEVATORS;

10 (D) ONE FOR ONE EQUIPMENT REPLACEMENTS REGARDLESS OF COST, INCLUDING
11 REPLACEMENT OF EQUIPMENT WITH ANOTHER PIECE OF EQUIPMENT USED FOR SIMI-
12 LAR PURPOSES BUT EMPLOYING CURRENT TECHNOLOGY; AND

13 (E) other projects as specified in regulations adopted by the council
14 and approved by the commissioner.

15 1-B. THE COMMISSIONER IS AUTHORIZED TO WAIVE ANY REQUIREMENT FOR
16 PRE-OPENING CERTIFICATIONS AND/OR SURVEYS FOR CONSTRUCTION PROJECTS
17 APPROVED IN ACCORDANCE WITH THIS SECTION.

18 S 2. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law.