

1719--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. GUNTHER, SCHIMEL, KOLB, COOK -- Multi-Sponsored
by -- M. of A. BARCLAY -- read once and referred to the Committee on
Health -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee

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 volun-
tary residential health care facility rightsizing demonstration
program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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. NOTHING IN THIS SUBDIVISION SHALL DIMINISH THE DEPARTMENT'S
20 OVERSIGHT OF ADULT DAY HEALTH PROGRAMS AND THE DEPARTMENT MAY REVOKE THE

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

LBD02977-02-3

1 AUTHORITY GRANTED IN THIS SUBDIVISION PROVIDED THAT THE DEPARTMENT
2 OFFERS THE OPPORTUNITY FOR A PUBLIC HEARING AS PROVIDED FOR IN SUBPARA-
3 GRAPH (I) OF PARAGRAPH (B) OF SUBDIVISION TEN OF SECTION TWENTY-EIGHT
4 HUNDRED ONE-A OF THIS ARTICLE.

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