S T A T E O F N E W Y O R K

5368

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the public health law, in relation to the commission on accreditation of rehabilitation facilities

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

Section 1. The opening paragraph of section 4653 of the public health law, as added by chapter 2 of the laws of 2004, is amended to read as follows:

In order to operate as assisted living, an operator shall be licensed as an adult home or enriched housing program and apply and be approved for licensure with the commissioner pursuant to this article. THE COMMISSIONER SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF INITIAL LICENSURE APPROVAL AS AN ASSISTED LIVING RESIDENCE, ENHANCED ASSISTED LIVING RESIDENCE, AND/OR A SPECIAL NEEDS ASSISTED LIVING RESIDENCE. FOR OPERATORS NOT LICENSED AS AN ADULT HOME OR ENRICHED HOUSING PROGRAM, THE ACCREDITATION REPORT SHALL BE ACCEPTED IN LIEU OF INITIAL LICENSURE AS AN ADULT HOME OR ENRICHED HOUSING PROGRAM SIMULTANEOUSLY WITH ASSISTED LIVING RESIDENCE, ENHANCED ASSISTED LIVING RESIDENCE, AND/OR SPECIAL NEEDS ASSISTED LIVING RESIDENCE LICENSURE. FOR OPERATORS ALREADY LICENSED AS ADULT HOMES AND/OR ENRICHED HOUSING PROGRAMS BY THE DEPARTMENT, THE COMMISSIONER SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF LICENSURE AS AN ASSISTED LIVING RESIDENCE, AN ENHANCED ASSISTED LIVING RESIDENCE, AND/OR SPECIAL NEEDS ASSISTED LIVING RESIDENCE. The operator shall provide, SUCH AN ACCREDITATION REPORT, OR PROVIDE on an application form developed by the commissioner, the following information to the commissioner in order to be licensed:

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

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S 2. Paragraph (a) of subdivision 1 of section 4655 of the public health law, as added by chapter 2 of the laws of 2004, is amended to read as follows:

(a) Such application shall be on a form approved by the department; OR THE OPERATOR MAY SUBMIT A CURRENT ACCREDITATION REPORT FORM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF SUCH APPLICATION.

S 3. The opening paragraph of subdivision 3 of section 4656 of the public health law, as added by chapter 2 of the laws of 2004, is amended and a new subdivision 9 is added to read as follows:

Approval for licensure or certification pursuant to this article may be granted only to an applicant who SUBMITS A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) OR WHO satisfactorily demonstrates:

9. THE DEPARTMENT SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF THE ANNUAL SURVEY REQUIRED BY PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION FOUR HUNDRED SIXTY-ONE-A OF THE SOCIAL SERVICES LAW.

S 4. Subdivision 1 of section 4662 of the public health law, as added by chapter 2 of the laws of 2004, is amended to read as follows:

1. The commissioner is hereby authorized to:

(a) ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF INITIAL LICENSURE APPROVAL AS AN ASSISTED LIVING RESIDENCE, ENHANCED ASSISTED LIVING RESIDENCE, AND/OR A SPECIAL NEEDS ASSISTED LIVING RESIDENCE. FOR OPERATORS NOT LICENSED AS AN ADULT HOME OR ENRICHED HOUSING PROGRAM, THE ACCREDITATION REPORT SHALL BE ACCEPTED IN LIEU OF INITIAL LICENSURE AS AN ADULT HOME OR ENRICHED HOUSING PROGRAM SIMULTANEOUSLY WITH ASSISTED LIVING RESIDENCE, ENHANCED ASSISTED LIVING RESIDENCE, AND/OR SPECIAL NEEDS ASSISTED LIVING RESIDENCE LICENSURE. FOR OPERATORS ALREADY LICENSED AS ADULT HOMES AND/OR ENRICHED HOUSING PROGRAMS BY THE DEPARTMENT, THE COMMISSIONER SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF LICENSURE AS AN ASSISTED LIVING RESIDENCE, AN ENHANCED ASSISTED LIVING RESIDENCE, AND/OR SPECIAL NEEDS ASSISTED LIVING RESIDENCE BY THE DEPARTMENT;

(B) develop, in consultation with the director of the state office for the aging, consumers, operators of assisted living residences and home care service agency providers, a consumer information guide to inform and assist the consumer in the selection of an assisted living residence;

[(b)] (C) promulgate, in consultation with the director of the state office for the aging, such rules and regulations as are necessary to implement the provisions of this article;

[(c)] (D) receive and investigate complaints regarding the condition, operation and quality of care of any entities holding themselves out as assisted living, or advertising themselves by a similar term;

[(d)] (E) make necessary investigations to procure information required to implement the provisions of this article; and

[(e)] (F) exercise all other powers and functions as are necessary to implement the provisions of this article.

S 5. This act shall take effect immediately.