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

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I N S E N A T E

January 27, 2014

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

AN ACT to amend the public health law, in relation to requiring nursing homes that maintain a trust fund or funds into which residents' money is deposited to conduct quarterly audits and to report the findings of such audits to the commissioner of public health

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

Section 1. The public health law is amended by adding a new section 2862-a to read as follows:

S 2862-A. AUDITS OF TRUST FUND ACCOUNTS. 1. EACH NURSING HOME COMPANY SUBJECT TO THE PROVISIONS OF THIS ARTICLE SHALL, AT ITS OWN EXPENSE, ARRANGE FOR QUARTERLY FINANCIAL AUDITS OF ALL BOOKS AND RECORDS PERTAINING TO EACH TRUST FUND ACCOUNT INTO WHICH MONEYS OF RESIDENTS OF THE NURSING HOME FACILITIES OPERATED BY THE COMPANY ARE DEPOSITED. A SEPARATE AUDIT SHALL BE CONDUCTED FOR EACH NURSING HOME FACILITY OPERATED BY THE COMPANY IN THIS STATE.

2. THE AUDITS SHALL BE CONDUCTED BY A THIRD PARTY UNAFFILIATED WITH THE NURSING HOME COMPANY AND SHALL BE CONDUCTED FOR THE PURPOSE OF ENSURING THAT RESIDENTS' MONEYS ARE NOT MISAPPROPRIATED.

3. COPIES OF THE REPORT OF SUCH AUDITS SHALL BE PROVIDED TO THE COMMISSIONER WITHIN SIXTY DAYS OF THE COMPLETION OF THE AUDIT.

4. THE COMMISSIONER MAY EXAMINE AND AUDIT THE BOOKS AND RECORDS OF THE COMPANY AT ANY TIME.

S 2. This act shall take effect on the first of January next succeeding the date upon which it shall become a law.

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

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