

1 (A) THE EFFECTS OF CLOSURES OF LONG TERM CARE FACILITIES ON THE RESI-
2 DENTS OF SUCH FACILITIES, INCLUDING THE IMPACT ON THE PHYSICAL AND
3 MENTAL HEALTH OF THE RESIDENTS AND THE LOSS OF THE RESIDENTIAL COMMUNI-
4 TY;

5 (B) THE AVAILABILITY OF LONG TERM CARE FACILITY PLACEMENTS FOR NEW
6 YORK STATE RESIDENTS SUFFERING FROM DEMENTIA, INCLUDING, BUT NOT LIMITED
7 TO ALZHEIMER'S DISEASE;

8 (C) THE AVAILABILITY OF LONG TERM CARE FACILITY PLACEMENTS FOR NEW
9 YORK STATE RESIDENTS REQUIRING SKILLED NURSING CARE;

10 (D) THE EFFECTS OF RELOCATING RESIDENTS OF A CLOSING LONG TERM CARE
11 FACILITY TO ANOTHER FACILITY WITHIN THE SAME GEOGRAPHICAL AREA AS
12 COMPARED WITH RELOCATING SUCH RESIDENTS TO A LONG TERM CARE FACILITY NOT
13 WITHIN THE GEOGRAPHICAL AREA;

14 (E) FEASIBILITY OF ARRANGING COMPARABLE PLACEMENTS, AS OPPOSED TO
15 APPROPRIATE PLACEMENTS, IN OTHER FACILITIES WITHIN THE SAME GEOGRAPHICAL
16 AREA WHEN A LONG TERM CARE FACILITY WITH A CAPACITY OF SERVING FIFTY OR
17 MORE RESIDENTS CLOSES;

18 (F) THE IMPACT ON FAMILY MEMBERS OF RESIDENTS OF THE CLOSING OF A LONG
19 TERM CARE FACILITY;

20 (G) THE SUFFICIENCY OF CURRENT LAWS, RULES AND REGULATIONS GOVERNING
21 THE RELOCATION OF RESIDENTS OF A CLOSING LONG TERM CARE FACILITY; AND

22 (H) SUCH OTHER MATTERS AS THE COMMISSION DEEMS APPROPRIATE.

23 2. THE COMMISSION SHALL MAKE RECOMMENDATIONS FOR ADDITIONAL LEGIS-
24 LATION AND/OR REGULATIONS TO GOVERN THE CLOSING OF LONG TERM CARE FACIL-
25 ITIES AND FACILITATE THE RELOCATION OF LONG TERM CARE FACILITY RESIDENTS
26 IN A MANNER THAT IS IN THE BEST INTERESTS OF THE RESIDENTS IN THE EVENT
27 OF A CLOSURE OF A LONG TERM CARE FACILITY. THE COMMISSION SHALL FURTHER
28 STUDY THE NEED, IF ANY, TO DEVISE A NOTIFICATION SYSTEM TO ALERT RESI-
29 DENTS AND FAMILIES NOT LESS THAN ONE YEAR IN ADVANCE OF THE CLOSURE OR
30 POTENTIAL CLOSURE OF A LONG TERM CARE FACILITY.

31 3. (A) THE COMMISSION SHALL CONSIST OF NINE MEMBERS TO BE APPOINTED AS
32 FOLLOWS: THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND SHALL
33 INCLUDE THE DIRECTOR OF THE OFFICE FOR THE AGING, THE STATE OMBUDSMAN
34 AND ONE ADDITIONAL MEMBER WHO SHALL BE A RESIDENT OF THE STATE WITH
35 EXPERTISE AND EXPERIENCE IN THE FIELDS OF LONG TERM CARE AND ADVOCACY;
36 TWO MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;
37 TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY; ONE
38 MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND ONE
39 MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY. ALL
40 OF THE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE
41 SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE
42 MINORITY LEADER OF THE ASSEMBLY SHALL BE RESIDENTS OF THE STATE WITH
43 EXPERTISE AND EXPERIENCE IN THE FIELDS OF LONG TERM CARE AND ADVOCACY.
44 NO PERSON SHALL BE A MEMBER OF SUCH COMMISSION WHILE SUCH PERSON IS A
45 MEMBER OF THE SENATE OR ASSEMBLY. ANY VACANCY ON SUCH COMMISSION SHALL
46 BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT WAS MADE. A
47 CHAIRPERSON AND VICE-CHAIRPERSON OF SUCH COMMISSION SHALL BE ELECTED BY
48 THE MAJORITY OF ITS MEMBERS, ALL MEMBERS BEING PRESENT.

49 (B) EXCEPT AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, NO
50 MEMBER, OFFICER OR EMPLOYEE OF THE COMMISSION SHALL BE DISQUALIFIED FROM
51 HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE
52 FORFEIT ANY SUCH OFFICE OR EMPLOYMENT BY REASON OF HIS OR HER APPOINT-
53 MENT HEREUNDER, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL
54 OR LOCAL LAW, ORDINANCE OR CITY CHARTER.

55 (C) ALL MEMBERS OF THE COMMISSION SHALL BE APPOINTED WITHIN SIXTY DAYS
56 OF THE EFFECTIVE DATE OF THIS SECTION. THE FIRST MEETING OF THE COMMIS-

1 SION SHALL TAKE PLACE WITHIN THIRTY DAYS AFTER APPOINTMENT OF ALL
2 MEMBERS OF THE COMMISSION.

3 4. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR
4 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
5 INCURRED IN THE PERFORMANCE OF THEIR DUTIES HEREUNDER.

6 5. THE COMMISSION MAY EMPLOY AND AT PLEASURE REMOVE SUCH PERSONNEL AS
7 IT MAY DEEM NECESSARY FOR THE PERFORMANCE OF ITS FUNCTIONS AND FIX THEIR
8 COMPENSATION WITHIN THE AMOUNTS MADE AVAILABLE BY APPROPRIATION THERE-
9 FOR, IF ANY, OR BY DONATION, IF ANY. THE COMMISSION MAY MEET AND HOLD
10 PUBLIC AND/OR PRIVATE HEARINGS WITHIN OR WITHOUT THE STATE, AND SHALL
11 HAVE ALL THE POWERS OF A LEGISLATIVE COMMITTEE PURSUANT TO THE LEGISLA-
12 TIVE LAW.

13 6. FOR THE ACCOMPLISHMENT OF ITS PURPOSES, THE COMMISSION SHALL BE
14 AUTHORIZED AND EMPOWERED TO UNDERTAKE ANY STUDIES, INQUIRIES, SURVEYS OR
15 ANALYSES IT MAY DEEM RELEVANT THROUGH ITS OWN PERSONNEL OR IN COOPER-
16 ATION WITH OR BY AGREEMENT WITH ANY OTHER PUBLIC OR PRIVATE AGENCY.

17 7. THE COMMISSION MAY REQUEST AND SHALL RECEIVE FROM ANY AGENCY IN THE
18 STATE AND FROM ANY SUBDIVISION, DEPARTMENT, BOARD, BUREAU, COMMISSION,
19 OFFICE, AGENCY OR OTHER INSTRUMENTALITY OF THE STATE OR OF ANY POLITICAL
20 SUBDIVISION THEREOF SUCH FACILITIES, ASSISTANCE AND DATA AS IT DEEMS
21 NECESSARY OR DESIRABLE FOR THE PROPER EXECUTION OF ITS POWERS AND DUTIES
22 AND TO EFFECTUATE THE PURPOSES SET FORTH IN THIS SECTION.

23 8. THE COMMISSION IS HEREBY AUTHORIZED AND EMPOWERED TO ENTER INTO ANY
24 AGREEMENTS AND TO DO AND PERFORM ANY ACTS THAT MAY BE NECESSARY, DESIRA-
25 BLE OR PROPER TO CARRY OUT THE PURPOSES AND OBJECTIVES OF THIS SECTION.

26 9. THE COMMISSION SHALL MAKE A REPORT OF ITS FINDINGS AND SHALL SUBMIT
27 ITS RECOMMENDATIONS, INCLUDING ANY RECOMMENDATIONS FOR LEGISLATIVE
28 ACTION AS IT MAY DEEM NECESSARY AND APPROPRIATE, TO THE GOVERNOR, THE
29 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE
30 MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY
31 ONE YEAR AFTER THE FIRST MEETING OF THE COMMISSION.

32 10. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO LONG TERM CARE
33 FACILITY SHALL BE CLOSED OR CONVERTED TO ANY OTHER USE, OR CAUSE
34 REDUCTIONS IN SUFFICIENT STAFFING LEVELS TO OCCUR, UNTIL ONE YEAR AFTER
35 THE COMMISSION REPORTS ITS FINDINGS AND PROVIDED RECOMMENDATIONS AS
36 PROVIDED IN SUBDIVISION NINE OF THIS SECTION.

37 11. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A NON-PROFIT
38 LONG TERM CARE FACILITY OPERATED BY A RELIGIOUS GROUP WHICH QUALIFIES AS
39 A TAX-EXEMPT ENTITY UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE
40 CODE.

41 S 2. This act shall take effect immediately and shall continue in full
42 force and effect until one year after the report and recommendations of
43 the commission on long term care facilities is delivered to the governor
44 and the legislature when upon such date the provisions of this act shall
45 be deemed repealed.