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

3782

2013-2014 Regular Sessions

I N S E N A T E

February 15, 2013

Introduced by Sen. MARCHIONE -- 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 adult homes and assisted living residences to perform criminal background checks of their employees and prospective employees and to enable certain adult homes and assisted living residences to collect certain fees in connection with such background checks of employees and prospective employees

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

Section 1. Subdivision 6 of section 2899 of the public health law, as amended by chapter 331 of the laws of 2006, is amended to read as follows:

6. "Provider" shall mean any residential health care facility licensed under article twenty-eight of this chapter; [or] any certified home health agency, licensed home care services agency or long term home health care program certified under article thirty-six of this chapter; ANY ASSISTED LIVING RESIDENCE LICENSED UNDER ARTICLE FORTY-SIX-B OF THIS CHAPTER; ANY ASSISTED LIVING PROGRAMS APPROVED BY THE DEPARTMENT PURSUANT TO SECTION FOUR HUNDRED SIXTY-ONE-1 OF THE SOCIAL SERVICES LAW; ANY CONTINUING CARE RETIREMENT COMMUNITIES WHICH POSSESS A CERTIFICATE OF AUTHORITY PURSUANT TO ARTICLE FORTY-SIX OF THIS CHAPTER; OR ANY RESIDENTIAL SERVICES FOR PERSONS THAT ARE PROVIDED UNDER A LICENSE PURSUANT TO ARTICLE SIXTEEN, NINETEEN, THIRTY-ONE OR THIRTY-TWO OF THE MENTAL HYGIENE LAW OR OTHER RESIDENTIAL SERVICES PRIMARILY FUNDED BY OR PRIMARILY UNDER THE JURISDICTION OF THE OFFICE FOR MENTAL HEALTH.

S 2. Subdivision 11 of section 2899-a of the public health law, as amended by chapter 331 of the laws of 2006, is amended to read as follows:

11. No provider shall seek, directly or indirectly, to obtain from a prospective employee, temporary employee or employee compensation in any

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

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form for the payment of the fee or any facility costs associated with obtaining the criminal history information check required by this article; PROVIDED, HOWEVER, THAT A PROVIDER THAT IS NOT A MEDICAID-ENROLLED PROVIDER MAY SEEK REIMBURSEMENT OF THE ACTUAL COST INCURRED BY THE PROVIDER OF A BACKGROUND CHECK FROM AN EMPLOYEE OR PROSPECTIVE EMPLOYEE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.