

S. 5916

A. 8119

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

July 12, 2013

IN SENATE -- Introduced by Sens. PARKER, ADAMS, DILAN, MONTGOMERY, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by M. of A. CAMARA -- Multi-Sponsored by -- M. of A. BARRON, BRENNAN, BROOK-KRASNY, CYMBROWITZ, ESPINAL, JACOBS, LENTOL, MAISEL, MILLMAN, MOSLEY, PERRY -- read once and referred to the Committee on Health

AN ACT to amend the executive law, in relation to creating the Brooklyn health care commission

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

1 Section 1. The executive law is amended by adding a new article 49-c
2 to read as follows:

3 ARTICLE 49-C

4 BROOKLYN HEALTH CARE COMMISSION

5 SECTION 996. BROOKLYN HEALTH CARE COMMISSION.

6 996-A. KINGS COUNTY HEALTH CARE STAKEHOLDERS COUNCIL.

7 S 996. BROOKLYN HEALTH CARE COMMISSION. 1. THERE IS HEREBY CREATED IN
8 THE EXECUTIVE DEPARTMENT, A COMMISSION TO BE KNOWN AS THE "BROOKLYN
9 HEALTH CARE COMMISSION," HEREAFTER REFERRED TO AS THE "COMMISSION",
10 WHICH SHALL BE CHARGED WITH EXAMINING THE SYSTEM OF GENERAL HOSPITALS,
11 NURSING HOMES, AMBULATORY AND PRIMARY CARE FACILITIES, AND MEDICAL
12 SCHOOL FACILITIES IN KINGS COUNTY AND RECOMMENDING CHANGES TO THAT
13 SYSTEM.

14 2. THE COMMISSION SHALL CONSIST OF THE FOLLOWING ELEVEN MEMBERS: (A)
15 ONE MEMBER APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; (B) ONE
16 MEMBER APPOINTED BY THE SPEAKER OF THE ASSEMBLY; (C) ONE MEMBER
17 APPOINTED BY THE MINORITY LEADER OF THE SENATE; (D) ONE MEMBER APPOINTED
18 BY THE MINORITY LEADER OF THE ASSEMBLY; (E) THREE MEMBERS APPOINTED BY
19 THE KINGS COUNTY BOROUGH PRESIDENT, ONE MEMBER FROM EACH OF THE FOLLOW-

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

LBD11603-01-3

1 ING THREE REGIONS: (I) NORTH OF ATLANTIC AVENUE; (II) SOUTH AND WEST OF
2 FLATBUSH AVENUE; AND (III) SOUTH OF ATLANTIC AVENUE AND EAST OF FLATBUSH
3 AVENUE; (F) TWO MEMBERS APPOINTED BY THE MAYOR OF NEW YORK CITY; AND
4 (G) TWO MEMBERS APPOINTED BY THE GOVERNOR.

5 3. THE MEMBERS OF THE COMMISSION SHALL RECEIVE NO COMPENSATION FOR
6 THEIR SERVICE AS MEMBERS, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECES-
7 SARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

8 4. THE COMMISSION SHALL BEGIN TO ACT FORTY-FIVE DAYS AFTER THIS ACT
9 SHALL HAVE BECOME A LAW.

10 5. THE COMMISSIONER OF HEALTH SHALL DESIGNATE SUCH EMPLOYEES OF THE
11 DEPARTMENT OF HEALTH AS ARE REASONABLY NECESSARY TO PROVIDE SUPPORT
12 SERVICES TO THE COMMISSION.

13 6. THE COMMISSIONER OF HEALTH SHALL APPOINT: (A) ONE OR MORE REPRES-
14 TATIVES OF THE DEPARTMENT TO SERVE AS A LIAISON BETWEEN THE DEPARTMENT
15 AND THE COMMISSION; (B) ONE OR MORE REPRESENTATIVES OF THE DEPARTMENT TO
16 SERVE AS A LIAISON BETWEEN THE KINGS COUNTY HEALTH CARE STAKEHOLDERS
17 COUNCIL AND THE COMMISSION.

18 7. THE DIRECTOR OF THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK
19 SHALL APPOINT ONE OR MORE REPRESENTATIVES TO BE A LIAISON BETWEEN THE
20 COMMISSION AND THE AUTHORITY.

21 8. ALL DEPARTMENTS, COMMISSIONS AND PUBLIC AUTHORITIES OF THE STATE
22 SHALL BE REQUIRED TO PROVIDE SUCH ASSISTANCE AS MAY BE REASONABLY
23 REQUESTED BY THE CHAIR OF THE COMMISSION.

24 9. IN CARRYING OUT ITS TASK, THE COMMISSION SHALL:

25 (A) CONDUCT A COMPLETE AND COMPREHENSIVE EPIDEMIOLOGICAL STUDY OF
26 KINGS COUNTY'S HEALTH CARE CHALLENGES AND NEEDS;

27 (B) CONDUCT A COMPLETE AND COMPREHENSIVE USABILITY STUDY OF WHAT TYPE
28 AND HOW MUCH HEALTH CARE SERVICES ARE USED BY KINGS COUNTY'S RESIDENTS,
29 AND IN WHICH HOSPITALS, PRIMARY CARE OR URGENT CARE FACILITIES;

30 (C) STUDY THE NEED FOR CAPACITY IN THE GENERAL HOSPITAL, NURSING HOME,
31 MEDICAL SCHOOL, AMBULATORY CARE FACILITIES AND SERVICES, PRIMARY CARE
32 FACILITIES AND SERVICES, URGENT CARE FACILITIES AND SERVICES, PUBLIC
33 HEALTH CLINICS, AND HOME/COMMUNITY-BASED HEALTH CARE SERVICES IN EACH
34 REGION OF KINGS COUNTY;

35 (D) STUDY THE CAPACITY CURRENTLY EXISTING IN SUCH SYSTEMS IN EACH
36 REGION OF KINGS COUNTY;

37 (E) STUDY THE ECONOMIC IMPACT OF THE ECONOMIC FAILURE OF KINGS COUN-
38 TY'S HOSPITALS, MEDICAL SCHOOL AND OTHER HEALTH CARE FACILITIES ON THE
39 STATE, CITY AND KINGS COUNTY ECONOMIES, INCLUDING THE CAPACITY OF THE
40 HEALTH CARE SYSTEM TO PROVIDE EMPLOYMENT OR TRAINING TO HEALTH CARE
41 WORKERS AFFECTED BY SUCH EVENTUALITIES;

42 (F) STUDY THE AMOUNT OF CAPITAL DEBT BEING CARRIED BY GENERAL HOSPI-
43 TALS AND NURSING HOMES, AND SUCH OTHER ENTITIES PROVIDING HEALTH CARE
44 SERVICES IN KINGS COUNTY, AND THE NATURE OF THE BONDING AND CREDIT
45 ENHANCEMENT, IF ANY, SUPPORTING SUCH DEBT, AND THE FINANCIAL STATUS OF
46 GENERAL HOSPITALS AND NURSING HOMES, INCLUDING REVENUES FROM MEDICARE,
47 MEDICAID, OTHER GOVERNMENT FUNDS, AND PRIVATE THIRD-PARTY PAYORS;

48 (G) STUDY THE AVAILABILITY OF ALTERNATIVE SOURCES OF FUNDING WITH
49 REGARD TO THE CAPITAL DEBT OF ALL HEALTH CARE FACILITIES IN KINGS COUN-
50 TY;

51 (H) STUDY THE EXISTENCE OF OTHER HEALTH CARE SERVICES IN THE AFFECTED
52 REGION, INCLUDING THE AVAILABILITY OF SERVICES FOR THE UNINSURED AND
53 UNDERINSURED, AND INCLUDING SERVICES PROVIDED OTHER THAN BY GENERAL
54 HOSPITALS AND NURSING HOMES;

1 (I) STUDY THE POTENTIAL CONVERSION OF FACILITIES OR CURRENT FACILITY
2 CAPACITY FOR USES OTHER THAN AS INPATIENT OR RESIDENTIAL HEALTH CARE
3 FACILITIES;

4 (J) STUDY THE EXTENT TO WHICH A FACILITY SERVES THE HEALTH CARE NEEDS
5 OF THE REGION, INCLUDING SERVING MEDICAID RECIPIENTS, THE UNINSURED, AND
6 UNDERSERVED COMMUNITIES; AND

7 (K) STUDY THE POTENTIAL FOR IMPROVED QUALITY OF CARE AND THE REDUCTION
8 OF RESOURCES FROM SUPPORTING EXCESS CAPACITY WITHIN KINGS COUNTY
9 TOWARD REINVESTMENT INTO PRODUCTIVE HEALTH CARE PURPOSES IN KINGS COUNTY,
10 AND THE EXTENT TO WHICH THE ACTIONS RECOMMENDED BY THE COMMISSION
11 WOULD RESULT IN GREATER STABILITY AND EFFICIENCY IN THE DELIVERY OF
12 NEEDED HEALTH CARE SERVICES FOR A COMMUNITY.

13 10. THE COMMISSIONER OF HEALTH AND THE DIRECTOR OF THE DORMITORY
14 AUTHORITY OF THE STATE OF NEW YORK MAY SUBMIT ADDITIONAL RELEVANT
15 FACTORS TO BE CONSIDERED IN THE DELIBERATIONS OF THE COMMISSION. THE
16 COMMISSION SHALL ALSO ADOPT ADDITIONAL FACTORS TO BE CONSIDERED IN ITS
17 DELIBERATIONS, FROM AMONG A LIST OF SUCH FACTORS SUBMITTED BY THE KINGS
18 COUNTY HEALTH CARE STAKEHOLDER'S COUNCIL.

19 11. THE COMMISSIONER SHALL ALSO SUBMIT TO THE COMMISSION SUCH INFORMATION
20 AS MAY BE AVAILABLE FROM THE DEPARTMENT OF HEALTH ON GENERAL HOSPITAL
21 AND NURSING HOME CAPACITY, SERVICES AND BEDS, AVAILABILITY OF PRIMARY
22 AND AMBULATORY CARE SERVICES, AND CURRENT NUMBER OF BEDS IN SUCH
23 FACILITIES, INCLUDING, BUT NOT LIMITED TO, INFORMATION FROM:

24 (A) OPERATING CERTIFICATE FILES;

25 (B) INSTITUTIONAL COST REPORTS;

26 (C) FACILITY OCCUPANCY REPORTS;

27 (D) ANNUAL REPORTS OF THE CERTIFICATE OF NEED PROGRAM; AND

28 (E) THE STATEWIDE PLANNING AND RESEARCH COOPERATIVE SYSTEM.

29 12. RECORDS SUBMITTED TO THE COMMISSION OR ANY COMMITTEE THEREOF SHALL
30 NOT BE SUBJECT TO DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS
31 LAW, UNLESS THE RECORD WOULD BE A PUBLIC RECORD BEFORE BEING
32 SUBMITTED TO THE COMMISSION.

33 13. IN CARRYING OUT ITS TASK, THE COMMISSION SHALL ALSO FORMALLY
34 SOLICIT RECOMMENDATIONS FROM HEALTH CARE EXPERTS, COUNTY HEALTH DEPARTMENTS,
35 COMMUNITY-BASED ORGANIZATIONS, STATE AND REGIONAL HEALTH CARE
36 INDUSTRY ASSOCIATIONS, LABOR UNIONS AND OTHER INTERESTED PARTIES AS
37 BROADLY AS IT CONSIDERS IT NECESSARY AND PROPER, AND IT SHALL TAKE INTO
38 ACCOUNT SUCH RECOMMENDATIONS AND THE RECOMMENDATIONS OF THE KINGS COUNTY
39 HEALTH CARE STAKEHOLDERS COUNCIL DURING ITS DELIBERATIONS. IN DEVELOPING
40 ITS RECOMMENDATIONS, THE COMMISSION SHALL AS FAR AS PRACTICABLE ESTIMATE
41 THE IMPROVEMENT IN QUALITY OF CARE, FINANCIAL STATUS OF THE HOSPITALS,
42 AND ALL OTHER EFFICIENCIES THAT MAY BE DERIVED FROM RECONFIGURATION OF
43 THE KINGS COUNTY HEALTH CARE SYSTEM.

44 14. THE COMMISSION SHALL BE FINISHED WITH ITS STUDY AND ANALYSIS AND
45 PROVIDE ITS RECOMMENDATIONS, ALONG WITH SUGGESTED LEGISLATIVE AND EXECUTIVE
46 ACTION, INCLUDING BUT NOT LIMITED TO INFRASTRUCTURE INVESTMENTS,
47 AND REFINANCING OF EXISTING DEBT OF GENERAL HOSPITALS IN KINGS COUNTY,
48 BY DECEMBER 1, 2013.

49 15. THE COMMISSION AND ITS DELIBERATIONS SHALL BE SUBJECT TO ARTICLE
50 SEVEN OF THE PUBLIC OFFICERS LAW. THE COMMISSIONERS SHALL BE CONSIDERED
51 PUBLIC OFFICERS.

52 16. THE COMMISSION SHALL ADOPT ITS BYLAWS ON OR BY ITS SECOND MEETING.

53 S 996-A. KINGS COUNTY HEALTH CARE STAKEHOLDERS COUNCIL. 1. THERE IS
54 HEREBY CREATED AS PART OF THE COMMISSION A COUNCIL TO BE KNOWN AS THE
55 "KINGS COUNTY HEALTH CARE STAKEHOLDERS COUNCIL" HEREAFTER REFERRED TO AS
56 THE "COUNCIL", WHICH SHALL CONSIST OF THE FOLLOWING NINE MEMBERS: (A)

1 THREE MEMBERS APPOINTED BY THE KINGS COUNTY BOROUGH PRESIDENT, ONE
2 MEMBER FROM EACH OF THE FOLLOWING THREE REGIONS; (I) NORTH OF ATLANTIC
3 AVENUE; (II) SOUTH AND WEST OF FLATBUSH AVENUE; AND (III) SOUTH OF
4 ATLANTIC AVENUE AND EAST OF FLATBUSH AVENUE; (B) THREE MEMBERS APPOINTED
5 BY THE GOVERNOR, ONE MEMBER FROM EACH OF THE FOLLOWING THREE REGIONS:
6 (I) NORTH OF ATLANTIC AVENUE; (II) SOUTH AND WEST OF FLATBUSH AVENUE;
7 AND (III) SOUTH OF ATLANTIC AVENUE AND EAST OF FLATBUSH AVENUE; AND (C)
8 THREE MEMBERS APPOINTED BY THE MAYOR, ONE MEMBER FROM EACH OF THE
9 FOLLOWING THREE REGIONS: (I) NORTH OF ATLANTIC AVENUE; (II) SOUTH AND
10 WEST OF FLATBUSH AVENUE; AND (III) SOUTH OF ATLANTIC AVENUE AND EAST OF
11 FLATBUSH AVENUE.

12 2. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR
13 SERVICE AS MEMBERS.

14 3. THE COUNCIL SHALL BEGIN TO ACT FORTY-FIVE DAYS AFTER THIS ACT SHALL
15 HAVE BECOME A LAW.

16 4. THE COUNCIL SHALL HAVE AT LEAST THREE PUBLIC MEETINGS DURING THE
17 EXISTENCE OF THE COMMISSION. EACH MEETING SHALL BE HELD IN A DIFFERENT
18 REGION OF KINGS COUNTY.

19 5. THE COUNCIL SHALL DEVELOP RECOMMENDATIONS FOR THE COMMISSION WITH
20 REGARD TO RECONFIGURING KINGS COUNTY'S SYSTEM OF GENERAL HOSPITALS,
21 NURSING HOMES, AMBULATORY AND PRIMARY CARE FACILITIES, AND MEDICAL
22 SCHOOL FACILITIES.

23 6. IN DEVELOPING RECOMMENDATIONS FOR THE COMMISSION, THE COUNCIL SHALL
24 FOSTER DISCUSSIONS AMONG, AND CONDUCT FORMAL PUBLIC HEARINGS WITH REQUI-
25 SITE PUBLIC NOTICE TO SOLICIT INPUT FROM, LOCAL STAKEHOLDER INTERESTS,
26 INCLUDING BUT NOT LIMITED TO COMMUNITY-BASED ORGANIZATIONS, HEALTH CARE
27 PROVIDERS, LABOR UNIONS, PAYERS, BUSINESSES AND CONSUMERS.

28 S 2. This act shall take effect immediately.