

4500

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to approval of applications for establishment of adult care facilities

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

1 Section 1. Subdivision 5 of section 4655 of the public health law, as
2 added by chapter 2 of the laws of 2004, is amended to read as follows:
3 5. In addition to the requirements otherwise required for licensure as
4 assisted living, any [residence] ADULT CARE FACILITY SUBJECT TO THE
5 INSPECTION AND SUPERVISION OF THE DEPARTMENT that advertises or markets
6 itself as serving individuals with special needs, including, but not
7 limited to, individuals with dementia or cognitive impairments, must
8 submit a special needs plan to the department setting forth how the
9 special needs of such residents will be safely and appropriately met at
10 such [residence] FACILITY. Such plan shall include, but need not be
11 limited to, a written description of specialized services, staffing
12 levels, staff education and training, work experience, professional
13 affiliations or special characteristics relevant to serving persons with
14 special needs, and any environmental modifications that have been made
15 or will be made to protect the health, safety and welfare of such
16 persons in the [residence] FACILITY. In approving an application for
17 special needs certification, the department shall develop standards to
18 ensure adequate staffing and training in order to safely meet the needs
19 of the resident. The standards shall be based upon recommendations of
20 the task force established by section five of [the] chapter TWO of the
21 laws of two thousand four [which added this section]. No [residence]
22 ADULT CARE FACILITY SUBJECT TO THE INSPECTION AND SUPERVISION OF THE
23 DEPARTMENT shall market [themselves] ITSELF as providing specialized
24 services unless and until the department has approved such applicant for
25 a special needs assisted living certificate.

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

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1 S 2. This act shall take effect on the sixtieth day after it shall
2 have become a law; provided, however, that the commissioner of health
3 may adopt, amend, suspend or repeal any regulations or take other
4 actions necessary to enforce or implement this act prior to and in prep-
5 aration for the taking effect of this act; provided, however, such
6 adoption, amendment, suspension or repeal of regulations shall not have
7 legal effect until this act takes effect.