

7820

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 27, 2015

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Introduced by M. of A. CYMBROWITZ -- read once and referred to the  
Committee on Aging

AN ACT to amend the elder law, in relation to long term care ombudsman  
access to assisted living facilities; to repeal certain provisions of  
the elder law relating thereto; and providing for the repeal of  
certain provisions upon the expiration thereof

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

1     Section 1. Paragraph (b) of subdivision 1 of section 218 of the elder  
2     law is REPEALED and a new paragraph (b) is added to read as follows:  
3     (B) "LONG TERM CARE FACILITIES" SHALL MEAN RESIDENTIAL HEALTH CARE  
4     FACILITIES AS DEFINED IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT  
5     HUNDRED ONE OF THE PUBLIC HEALTH LAW, ADULT CARE FACILITIES AS DEFINED  
6     IN SUBDIVISION TWENTY-ONE OF SECTION TWO OF THE SOCIAL SERVICES LAW, AND  
7     ASSISTED LIVING RESIDENCES, AS DEFINED IN ARTICLE FORTY-SIX-B OF THE  
8     PUBLIC HEALTH LAW, OR ANY FACILITIES WHICH HOLD THEMSELVES OUT OR ADVER-  
9     TISE THEMSELVES AS PROVIDING ASSISTED LIVING SERVICES AND WHICH ARE  
10    REQUIRED TO BE LICENSED OR CERTIFIED UNDER THE SOCIAL SERVICES LAW OR  
11    THE PUBLIC HEALTH LAW. WITHIN THE AMOUNTS APPROPRIATED THEREFOR, "LONG  
12    TERM CARE FACILITIES" SHALL ALSO MEAN MANAGED LONG TERM CARE PLANS AND  
13    APPROVED MANAGED LONG TERM CARE OR OPERATING DEMONSTRATIONS AS DEFINED  
14    IN SECTION FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW AND THE  
15    TERM "RESIDENT", "RESIDENTS", "PATIENT" AND "PATIENTS" SHALL ALSO  
16    INCLUDE ENROLLEES OF SUCH PLANS.  
17    S 2. Paragraph (b) of subdivision 1 of section 218 of the elder law,  
18    as added by section one of this act, is amended to read as follows:  
19    (b) "Long term care facilities" shall mean residential health care  
20    facilities as defined in subdivision three of section twenty-eight  
21    hundred one of the public health law, adult care facilities as defined  
22    in subdivision twenty-one of section two of the social services law, and  
23    assisted living residences, as defined in article forty-six-B of the

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

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1 public health law, or any facilities which hold themselves out or adver-  
2 tise themselves as providing assisted living services and which are  
3 required to be licensed or certified under the social services law or  
4 the public health law. [Within the amounts appropriated therefor, "long  
5 term care facilities" shall also mean managed long term care plans and  
6 approved managed long term care or operating demonstrations as defined  
7 in section forty-four hundred three-f of the public health law and the  
8 term "resident", "residents", "patient" and "patients" shall also  
9 include enrollees of such plans.]

10 S 3. Paragraph (g) of subdivision 3 of section 218 of the elder law is  
11 REPEALED.

12 S 4. Subdivision 3 of section 218 of the elder law is amended by  
13 adding a new paragraph (g) to read as follows:

14 (G) WITHIN THE AMOUNTS APPROPRIATED THEREFOR, THE STATE OMBUDSMAN  
15 PROGRAM SHALL INCLUDE SERVICES SPECIFICALLY DESIGNED TO SERVE PERSONS  
16 ENROLLED IN MANAGED LONG TERM CARE PLANS OR APPROVED MANAGED LONG TERM  
17 CARE OR OPERATING DEMONSTRATIONS AUTHORIZED UNDER SECTION FORTY-FOUR  
18 HUNDRED THREE-F OF THE PUBLIC HEALTH LAW, AND SHALL ALSO REVIEW AND  
19 RESPOND TO COMPLAINTS RELATING TO MARKETING PRACTICES BY SUCH PLANS AND  
20 DEMONSTRATIONS.

21 S 5. This act shall take effect immediately; provided however that the  
22 amendments to paragraph (b) of subdivision 1 of section 218 of the elder  
23 law made by section two of this act shall take effect December 31, 2017;  
24 provided, however, that the provisions of section four of this act shall  
25 expire on the same date as section two of this act takes effect when  
26 upon such date the provisions of section four of this act shall be  
27 deemed repealed.