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

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2015-2016 Regular Sessions

I N S E N A T E

January 8, 2015

Introduced by Sen. HANNON -- 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 applications for construction of hospitals

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

Section 1. Section 2802 of the public health law is amended by adding two new subdivisions 8 and 9 to read as follows:

8. NOTWITHSTANDING ANY LAW, RULE, OR REGULATION TO THE CONTRARY, THIS SUBDIVISION SHALL APPLY TO ANY APPLICATION FOR CONSTRUCTION REQUIRED UNDER THIS SECTION WITH THE EXCEPTION OF THOSE FEDERALLY QUALIFIED HEALTH CENTER CAPITAL PROJECTS SUBJECT TO SECTION TWENTY-EIGHT HUNDRED SEVEN-Z OF THIS ARTICLE.

(A) FOR AN APPLICATION REQUIRING A LIMITED OR ADMINISTRATIVE REVIEW, WITHIN NINETY CALENDAR DAYS OF THE DEPARTMENT DEEMING THE APPLICATION COMPLETE, THE COMMISSIONER SHALL MAKE A DECISION TO APPROVE OR DISAPPROVE THE APPLICATION. IF THE COMMISSIONER DETERMINES TO DISAPPROVE THE APPLICATION, THE BASIS FOR SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING; HOWEVER, DISAPPROVAL SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE APPLICATION. IF THE COMMISSIONER FAILS TO TAKE ACTION TO APPROVE OR DISAPPROVE THE APPLICATION WITHIN NINETY CALENDAR DAYS OF THE APPLICATION BEING DEEMED COMPLETE, THE APPLICATION SHALL BE DEEMED APPROVED.

(B) FOR AN APPLICATION REQUIRING FULL REVIEW BY THE COUNCIL, THE APPLICATION SHALL BE PLACED ON THE NEXT COUNCIL AGENDA FOLLOWING THE DEPARTMENT DEEMING THE APPLICATION COMPLETE.

(C) WHERE THE COMMISSIONER OR DEPARTMENT REQUIRES THE APPLICANT TO SUBMIT INFORMATION TO SATISFY A CONTINGENCY FOR A CONSTRUCTION PROJECT, THE COMMISSIONER OR DEPARTMENT SHALL HAVE THIRTY CALENDAR DAYS TO REVIEW AND APPROVE OR DISAPPROVE THE SUBMITTED INFORMATION. IF THE COMMISSIONER OR DEPARTMENT DETERMINES THAT THE SUBMITTED INFORMATION IS INCOMPLETE, IT SHALL SO NOTIFY THE APPLICANT IN WRITING AND PROVIDE THE APPLICANT

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

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WITH TEN CALENDAR DAYS TO CORRECT THE DEFICIENCY OR PROVIDE ADDITIONAL INFORMATION. IF THE COMMISSIONER OR DEPARTMENT DETERMINES THAT THE SUBMITTED INFORMATION DOES NOT SATISFY THE CONTINGENCY, THE BASIS FOR SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING; HOWEVER, DISAPPROVAL SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE APPLICATION. WITHIN FIFTEEN CALENDAR DAYS OF COMPLETE SATISFACTION OF A CONTINGENCY, THE COMMISSIONER OR DEPARTMENT SHALL TRANSMIT THE FINAL APPROVAL LETTER TO THE APPLICANT.

(D) THE DEPARTMENT SHALL DEVELOP EXPEDITED PRE-OPENING SURVEY PROCESSES FOR APPLICATIONS APPROVED UNDER THIS SECTION, BUT UNDER NO CIRCUMSTANCES SHALL PRE-OPENING SURVEY REVIEWS BE SCHEDULED LATER THAN THIRTY CALENDAR DAYS AFTER FINAL APPROVAL, CONSTRUCTION COMPLETION AND NOTIFICATION OF SUCH COMPLETION OF THE DEPARTMENT.

9. WITH REGARD TO ANY CONSTRUCTION PROJECT REQUIRING SUBMISSION OF AN APPLICATION PURSUANT TO THIS SECTION WHERE THE COMMISSIONER HAS DETERMINED THAT A WRITTEN CERTIFICATION BY AN ARCHITECT OR ENGINEER LICENSED PURSUANT TO ARTICLE ONE HUNDRED FORTY-FIVE OR ONE HUNDRED FORTY-SEVEN OF THE EDUCATION LAW THAT THE PROJECT MEETS APPLICABLE REGULATIONS OF THE DEPARTMENT CAN BE ACCEPTED, THE SUBMISSION BY THE APPLICANT OF SUCH COMPLETE AND FULLY EXECUTED CERTIFICATION BY CERTIFIED OR REGISTERED MAIL WITH A RETURN RECEIPT SIGNED BY THE DEPARTMENT SHALL CONSTITUTE A FULFILLMENT OF THE CERTIFICATION REQUIREMENT AND THE DEPARTMENT SHALL PROCEED WITH THE PROCESSING OF SUCH APPLICATION. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS PROHIBITING THE DEPARTMENT UPON SURVEY FROM REQUIRING SUBSEQUENT CORRECTIONS TO THE PROJECT TO MEET THE APPLICABLE REGULATIONS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.