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

5702

2015-2016 Regular Sessions

I N S E N A T E

May 28, 2015

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 1 of section 218 of the elder law is REPEALED and a new paragraph (b) is added to read as follows:

(B) "LONG TERM CARE FACILITIES" SHALL MEAN RESIDENTIAL HEALTH CARE FACILITIES AS DEFINED IN SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW, ADULT CARE FACILITIES AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION TWO OF THE SOCIAL SERVICES LAW, AND ASSISTED LIVING RESIDENCES, AS DEFINED IN ARTICLE FORTY-SIX-B OF THE PUBLIC HEALTH LAW, OR ANY FACILITIES WHICH HOLD THEMSELVES OUT OR ADVERTISE THEMSELVES AS PROVIDING ASSISTED LIVING SERVICES AND WHICH ARE REQUIRED TO BE LICENSED OR CERTIFIED UNDER THE SOCIAL SERVICES LAW OR THE PUBLIC HEALTH LAW. WITHIN THE AMOUNTS APPROPRIATED THEREFOR, "LONG TERM CARE FACILITIES" SHALL ALSO MEAN MANAGED LONG TERM CARE PLANS AND APPROVED MANAGED LONG TERM CARE OR OPERATING DEMONSTRATIONS AS DEFINED IN SECTION FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW AND THE TERM "RESIDENT", "RESIDENTS", "PATIENT" AND "PATIENTS" SHALL ALSO INCLUDE ENROLLEES OF SUCH PLANS.

S 2. Paragraph (b) of subdivision 1 of section 218 of the elder law, as added by section one of this act, is amended to read as follows:

(b) "Long term care facilities" shall mean residential health care facilities as defined in subdivision three of section twenty-eight hundred one of the public health law, adult care facilities as defined in subdivision twenty-one of section two of the social services law, and 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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public health law, or any facilities which hold themselves out or advertise themselves as providing assisted living services and which are required to be licensed or certified under the social services law or the public health law. [Within the amounts appropriated therefor, "long term care facilities" shall also mean managed long term care plans and approved managed long term care or operating demonstrations as defined in section forty-four hundred three-f of the public health law and the term "resident", "residents", "patient" and "patients" shall also include enrollees of such plans.]

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

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

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

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