

10243

I N   A S S E M B L Y

May 17, 2016

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

AN ACT to amend the public health law, in relation to establishing the  
independent senior housing resident freedom of choice act

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

1     Section 1. Short title. This act shall be known and may be referred to  
2     as the "independent senior housing resident freedom of choice act".  
3     S 2. Paragraph (j) of subdivision 1 of section 4651 of the public  
4     health law, as added by chapter 2 of the laws of 2004, is amended to  
5     read as follows:  
6     (j) independent senior housing, shelters or residences for adults. For  
7     purposes of this article and for purposes of determining certification  
8     pursuant to article seven of the social services law, the department  
9     shall by regulation, define independent senior housing, provided such  
10    definition shall be based on whether the operator does not provide,  
11    arrange for, or coordinate personal care services or home care services  
12    on behalf of residents; and the [facility] OPERATOR does not provide  
13    case management services in a congregate care setting for residents.  
14    Nothing in this chapter shall preclude [a resident of]: (I) ANY inde-  
15    pendent senior housing RESIDENT OR ANY NUMBER OF SUCH RESIDENTS from  
16    personally and directly obtaining [private] personal care or home care  
17    services from [a] ANY licensed [or certified] home care SERVICES agency,  
18    CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM,  
19    PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY OR OTHER MANAGED LONG  
20    TERM CARE PROGRAM;  
21    (II) AN AGENCY OR PROGRAM LICENSED OR APPROVED UNDER ARTICLE  
22    THIRTY-SIX OR SECTION FORTY-FOUR HUNDRED THREE-F OF THIS CHAPTER FROM  
23    OFFERING, ARRANGING FOR OR PROVIDING SERVICES TO THE RESIDENTS OF SUCH  
24    HOUSING AS SUCH AGENCY IS OTHERWISE AUTHORIZED TO OFFER, ARRANGE FOR OR  
25    PROVIDE TO ANY OTHER PERSON OR PERSONS RESIDING IN THEIR OWN HOME OR  
26    APARTMENT OR IN THE HOME OF ANY OTHER RESPONSIBLE RELATIVE OR ADULT IN  
27    THE COMMUNITY;

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

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1 (III) ANY INDEPENDENT SENIOR HOUSING RESIDENT OR ANY NUMBER OF SUCH  
2 RESIDENTS FROM PERSONALLY AND DIRECTLY CHOOSING AND OBTAINING SERVICES  
3 FROM AN APPROPRIATELY LICENSED OR APPROVED AGENCY OR PROGRAM OFFERING  
4 PERSONAL CARE, HOME CARE OR CASE MANAGEMENT SERVICES, OR FROM OBTAINING,  
5 PERSONALLY AND DIRECTLY, TECHNOLOGIES THAT ASSIST IN MAINTAINING INDE-  
6 PENDENCE; OR

7 (IV) AN INDEPENDENT SENIOR HOUSING OPERATOR FROM OFFERING ROOM, BOARD,  
8 LAUNDRY, HOUSEKEEPING, INFORMATION AND REFERRAL, SECURITY, TRANSPORTA-  
9 TION OR CONCIERGE-LIKE SERVICES; ASSISTING TENANTS WITH HOUSING ISSUES;  
10 PROVIDING INFORMATION TO TENANTS ABOUT SERVICES AND ACTIVITIES AVAILABLE  
11 IN THE COMMUNITY; ASSISTING TENANTS WISHING TO DO SO IN CONTACTING SUCH  
12 SERVICES AND ACTIVITIES; AND CONTACTING APPROPRIATE RESPONDERS IN AN  
13 EMERGENCY OR OTHER SITUATION INVOLVING ANY TENANTS THAT APPEARS TO  
14 WARRANT IMMEDIATE ATTENTION, ASSISTANCE OR INTERVENTION. NO INDEPENDENT  
15 SENIOR HOUSING OPERATOR OR STAFF OF THE INDEPENDENT SENIOR HOUSING  
16 FACILITY SHALL TAKE ACTION TO LIMIT THE OPTIONS PRESENTED TO RESIDENTS  
17 FOR A HOME CARE SERVICES AGENCY, CERTIFIED HOME HEALTH AGENCY, LONG TERM  
18 HOME HEALTH CARE PROGRAM, PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY,  
19 OR OTHER MANAGED LONG TERM CARE PROGRAM EXCEPT WHERE THE RESIDENT HAS  
20 PROVIDED CRITERIA TO LIMIT THE OPTIONS PRESENTED. NO INDEPENDENT SENIOR  
21 HOUSING OPERATOR OR ANY STAFF OF THE INDEPENDENT SENIOR HOUSING FACILITY  
22 SHALL INDUCE ANY RESIDENT TO UTILIZE A HOME CARE SERVICES AGENCY, CERTI-  
23 FIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM, PROGRAM OF  
24 ALL-INCLUSIVE CARE FOR THE ELDERLY, OR OTHER MANAGED LONG TERM CARE  
25 PROGRAM WHERE THERE IS ANY SPECIFIC BENEFIT THAT ACCRUES TO THE INDE-  
26 PENDENT SENIOR HOUSING OPERATOR, STAFF OF THE INDEPENDENT SENIOR HOUSING  
27 FACILITY, OR THEIR FAMILIES FOR DIRECTING RESIDENTS TO ANY SPECIFIC  
28 PROVIDER OF SERVICES.

29 S 3. This act shall take effect immediately.