

2428--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 16, 2015

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The opening paragraph of subdivision 1-a of section 2802 of
2 the public health law, as amended by chapter 174 of the laws of 2011, is
3 amended to read as follows:

4 The following types of construction projects by a hospital possessing
5 a valid operating certificate shall not require prior approval pursuant
6 to this section, provided that a written notice has been submitted to
7 the department [together with, where appropriate], THE HOSPITAL OBTAINS,
8 WHERE APPROPRIATE, AND MAKES AVAILABLE TO THE DEPARTMENT BY REQUEST UPON
9 SURVEY, a written architect and/or engineering certification that the
10 project meets the applicable statutes, codes and regulations specified
11 in the certification statement and, where required by the department,
12 the hospital shall implement a plan to protect patient safety during
13 construction:

14 S 2. Section 2802 of the public health law is amended by adding two
15 new subdivisions 8 and 9 to read as follows:

16 8. (A) WHERE THE COMMISSIONER OR DEPARTMENT REQUIRES THE APPLICANT TO
17 SUBMIT INFORMATION TO SATISFY A CONTINGENCY FOR A CONSTRUCTION PROJECT,
18 THE COMMISSIONER OR DEPARTMENT SHALL HAVE THIRTY CALENDAR DAYS TO REVIEW
19 AND APPROVE OR DISAPPROVE THE SUBMITTED INFORMATION. IF THE COMMISSIONER
20 OR DEPARTMENT DETERMINES THAT THE SUBMITTED INFORMATION IS INCOMPLETE,
21 IT SHALL SO NOTIFY THE APPLICANT IN WRITING AND PROVIDE THE APPLICANT
22 WITH THE OPPORTUNITY TO CORRECT THE DEFICIENCY OR PROVIDE ADDITIONAL
23 INFORMATION. IF THE COMMISSIONER OR DEPARTMENT DETERMINES THAT THE
24 SUBMITTED INFORMATION DOES NOT SATISFY THE CONTINGENCY, THE BASIS FOR

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

LBD04037-03-5

1 SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING; HOWEVER, DISAPPROVAL
2 SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE APPLICATION. WITHIN
3 FIFTEEN CALENDAR DAYS OF COMPLETE SATISFACTION OF A CONTINGENCY, THE
4 COMMISSIONER OR DEPARTMENT SHALL TRANSMIT THE FINAL APPROVAL LETTER TO
5 THE APPLICANT.

6 (B) THE DEPARTMENT SHALL DEVELOP EXPEDITED PRE-OPENING SURVEY PROC-
7 ESSES FOR APPLICATIONS APPROVED UNDER THIS SECTION, BUT UNDER NO CIRCUM-
8 STANCES SHALL PRE-OPENING SURVEY REVIEWS BE CONDUCTED LATER THAN THIRTY
9 CALENDAR DAYS AFTER FINAL APPROVAL, CONSTRUCTION COMPLETION AND NOTIFI-
10 CATION OF SUCH COMPLETION OF THE DEPARTMENT.

11 9. WITH REGARD TO ANY CONSTRUCTION PROJECT REQUIRING SUBMISSION OF AN
12 APPLICATION PURSUANT TO THIS SECTION WHERE THE COMMISSIONER HAS DETER-
13 MINED THAT A WRITTEN CERTIFICATION BY AN ARCHITECT OR ENGINEER LICENSED
14 PURSUANT TO ARTICLE ONE HUNDRED FORTY-FIVE OR ONE HUNDRED FORTY-SEVEN OF
15 THE EDUCATION LAW THAT THE PROJECT MEETS APPLICABLE REGULATIONS OF THE
16 DEPARTMENT CAN BE ACCEPTED, THE SUBMISSION BY THE APPLICANT OF SUCH
17 COMPLETE AND FULLY EXECUTED SELF-CERTIFICATION BY CERTIFIED OR REGIS-
18 TERED MAIL WITH A RETURN RECEIPT SIGNED BY THE DEPARTMENT SHALL CONSTI-
19 TUTE A FULFILLMENT OF THE ARCHITECTURAL AND/OR ENGINEERING REVIEW AND
20 CERTIFICATION REQUIREMENT AND THE DEPARTMENT SHALL PROCEED WITH THE
21 PROCESSING OF SUCH APPLICATION. NOTHING IN THIS SECTION SHALL BE
22 CONSTRUED AS PROHIBITING THE DEPARTMENT UPON SURVEY FROM REQUIRING
23 SUBSEQUENT CORRECTIONS TO THE PROJECT TO MEET THE APPLICABLE REGU-
24 LATIONS.

25 S 3. This act shall take effect on the one hundred twentieth day after
26 it shall have become a law.