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

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:

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

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

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

8. (A) 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 WITH THE OPPORTUNITY 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

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

LBD04037-03-5

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.

(B) 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 CONDUCTED 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 SELF-CERTIFICATION BY CERTIFIED OR REGISTERED MAIL WITH A RETURN RECEIPT SIGNED BY THE DEPARTMENT SHALL CONSTITUTE A FULFILLMENT OF THE ARCHITECTURAL AND/OR ENGINEERING REVIEW AND 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 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.