

6433

2015-2016 Regular Sessions

I N A S S E M B L Y

March 24, 2015

Introduced by M. of A. PERRY, LENTOL, BRENNAN, MOSLEY, COLTON, ROBINSON,
CYMBROWITZ, ABBATE, BROOK-KRASNY -- Multi-Sponsored by -- M. of A.
WEINSTEIN -- read once and referred to the Committee on Ways and Means

AN ACT to amend part Q of chapter 56 of the laws of 2013 amending the
education law and other laws relating to funding to SUNY Downstate
Medical Center, in relation to a sustainability plan for a hospital

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

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that a strong academic medical center which controls its own
3 and its affiliated clinical facilities is the central organizing princi-
4 ple of urban health care in America in 2015. SUNY Downstate Medical
5 Center must fully maintain its public status and be the lead institution
6 in meeting the significant unmet health care needs in Brooklyn including
7 providing expanded primary and ambulatory care in the neighborhoods that
8 need it the most. All other states' experience, as well as the last
9 seven years of experience in Brooklyn, indicates that if SUNY Downstate
10 does not take leadership of this mission it will not get done.

11 Over the next three years, SUNY Downstate Hospital should develop up
12 to four decentralized, freestanding primary and ambulatory care satel-
13 lites. Funding for these satellites is anticipated from monetizing the
14 net asset value of real estate acquired with the Long Island College
15 Hospital while still operating Long Island College Hospital as a health
16 care facility. Two thirds of the net asset value of the Long Island
17 College Hospital real estate will be devoted to subsidy of SUNY Down-
18 state Hospital and Long Island College Hospitals' operations during a
19 three year transition and development period.

20 The implementation of this legislation will make SUNY Downstate Hospi-
21 tal sustainable and restore the state subsidy to its historic level. Its
22 implementation is an alternative to closing LICH and laying off a mini-
23 mum of 600 health care workers in Brooklyn which has one of the highest

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

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1 unemployment rates in New York. It makes no sense to lay off health care
2 workers if they can be retrained to provide the primary care that
3 central and western Brooklyn desperately needs.

4 S 2. Part Q of chapter 56 of the laws of 2013 amending the education
5 law and other laws relating to funding to SUNY Downstate Medical Center,
6 is amended by adding a new section 5-a to read as follows:

7 S 5-A. THE SUSTAINABILITY PLAN ADOPTED PURSUANT TO SECTION FIVE OF
8 THIS ACT SHALL NOT BE IMPLEMENTED UNTIL IT CONTAINS THE FOLLOWING
9 PROVISIONS. (A) SUNY DOWNSTATE HOSPITAL WILL OPERATE UP TO FOUR DECEN-
10 TRALIZED, FREESTANDING PRIMARY AND AMBULATORY CARE SATELLITES IN COMMU-
11 NITY BASED SETTINGS. THESE SATELLITES WILL BE STAFFED BY EMPLOYEES OF
12 SUNY DOWNSTATE HOSPITAL WHO SHALL MAINTAIN THEIR CURRENT COLLECTIVE
13 BARGAINING REPRESENTATION, OR, FOR SATELLITES LOCATED IN THE COMMUNITY
14 SERVED BY LONG ISLAND COLLEGE HOSPITAL BY EMPLOYEES OF LONG ISLAND
15 COLLEGE HOSPITAL WHO SHALL MAINTAIN THEIR CURRENT COLLECTIVE BARGAINING
16 REPRESENTATION. THE FREESTANDING PRIMARY AND AMBULATORY CARE SATELLITES
17 SHALL OPERATE AT LEAST SIXTEEN HOURS A DAY, PROVIDE A FULL RANGE OF
18 OUT-PATIENT AND AMBULATORY SERVICES AS DETERMINED BY COMMUNITY NEED, AND
19 COLLECTIVELY EMPLOY AT LEAST SIX HUNDRED HEALTH CARE PROFESSIONALS AND
20 SUPPORT STAFF. THESE FREESTANDING PRIMARY AND AMBULATORY CARE SATELLITES
21 MUST BE ESTABLISHED NO LATER THAN THREE YEARS AFTER THE ENACTMENT OF
22 THIS SECTION.

23 (B) THE STATE SHALL MONETIZE THE NET ASSET VALUE OF REAL ESTATE
24 ACQUIRED WITH THE LONG ISLAND COLLEGE HOSPITAL WHILE STILL OPERATING
25 LONG ISLAND COLLEGE HOSPITAL AS A HEALTH CARE FACILITY. THE STATE DIVI-
26 SION OF BUDGET SHALL DEVELOP A PROCESS THAT MAXIMIZES THE VALUE OF THE
27 ASSETS OF LONG ISLAND COLLEGE HOSPITAL AND SHALL CONSIDER THE FOLLOWING:

28 (I) LEASING ALL OR SOME OF THE PROPERTY; (II) A SALE-LEASEBACK OF ALL OR
29 SOME OF THE PROPERTY; AND (III) ESTABLISHING A REAL ESTATE INVESTMENT
30 TRUST, WITH THE PROVISIO THAT THE REAL ASSETS CONTINUE TO BE USED, IN ANY
31 OF THESE ARRANGEMENTS, FOR THE PROVISION OF INPATIENT AND OUTPATIENT
32 HEALTH SERVICES. THE ASSETS OF THIS PROCESS SHALL BE USED TO RETIRE THE
33 LIABILITIES OF LONG ISLAND COLLEGE HOSPITAL AND TO PROVIDE START-UP
34 FUNDING FOR THE FREESTANDING PRIMARY AND AMBULATORY CARE SATELLITES
35 ESTABLISHED PURSUANT TO SUBDIVISION (A) OF THIS SECTION. SUNY DOWNSTATE
36 HOSPITAL IS AUTHORIZED TO APPLY FOR AND RECEIVE FUNDING FROM ANY AVAIL-
37 ABLE STATE, LOCAL, AND/OR FEDERAL SOURCES TO ASSIST IN ESTABLISHING
38 FREESTANDING PRIMARY AND AMBULATORY CARE SATELLITES INCLUDING, BUT NOT
39 LIMITED TO, STATE GRANTS AVAILABLE PURSUANT TO SECTION 2818 OF THE
40 PUBLIC HEALTH LAW AND ACCELERATION OF PAYMENTS PURSUANT TO SECTION
41 2807-K OF THE PUBLIC HEALTH LAW.

42 (C) SUNY DOWNSTATE COLLEGE OF MEDICINE SHALL DEVELOP A CURRICULUM FOR
43 THE EDUCATION OF RESIDENT PHYSICIANS IN OUT-PATIENT AND AMBULATORY
44 SERVICES THAT SHALL BE IMPLEMENTED IN THE FOUR FREESTANDING PRIMARY AND
45 AMBULATORY CARE SATELLITES ESTABLISHED PURSUANT TO SUBDIVISION (A) OF
46 THIS SECTION.

47 S 3. This act shall take effect immediately.