

6602

2015-2016 Regular Sessions

I N   A S S E M B L Y

March 27, 2015

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Introduced by M. of A. ENGLEBRIGHT -- Multi-Sponsored by -- M. of A.  
WALTER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the commission on  
accreditation of rehabilitation facilities

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 of section 4653 of  
2     the public health law, as amended by chapter 414 of the laws of 2013, is  
3     amended to read as follows:  
4     In order to operate as assisted living, an operator shall be licensed  
5     as an adult home or enriched housing program and apply and be approved  
6     for licensure with the commissioner pursuant to this article. THE  
7     COMMISSIONER SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A  
8     NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION  
9     ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF INITIAL  
10    Licensure approval as an assisted living residence, enhanced assisted  
11    living residence, and/or a special needs assisted living residence. For  
12    operators not licensed as an adult home or enriched housing program, the  
13    accreditation report shall be accepted in lieu of initial licensure as  
14    an adult home or enriched housing program simultaneously with assisted  
15    living residence, enhanced assisted living residence, and/or special  
16    needs assisted living residence licensure. For operators already  
17    licensed as adult homes and/or enriched housing programs by the depart-  
18    ment, the commissioner shall accept a current accreditation report from  
19    a nationally recognized accrediting organization known as the commission  
20    on accreditation of rehabilitation facilities (CARF) in lieu of licen-  
21    sure as an assisted living residence, an enhanced assisted living resi-  
22    dence, and/or special needs assisted living residence. The operator  
23    shall provide, such an accreditation report, or provide on an applica-  
24    tion form developed by the commissioner, the following information to  
25    the commissioner in order to be licensed:

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

LBD10134-01-5

1 S 2. Paragraph (a) of subdivision 1 of section 4655 of the public  
2 health law, as added by chapter 2 of the laws of 2004, is amended to  
3 read as follows:

4 (a) Such application shall be on a form approved by the department; OR  
5 THE OPERATOR MAY SUBMIT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY  
6 RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDI-  
7 TATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF SUCH APPLICATION.

8 S 3. The opening paragraph of subdivision 3 of section 4656 of the  
9 public health law, as added by chapter 2 of the laws of 2004, is amended  
10 and a new subdivision 9 is added to read as follows:

11 Approval for licensure or certification pursuant to this article may  
12 be granted only to an applicant who SUBMITS A CURRENT ACCREDITATION  
13 REPORT FROM A NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS  
14 THE COMMISSION ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) OR  
15 WHO satisfactorily demonstrates:

16 9. THE DEPARTMENT SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A  
17 NATIONALLY RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION  
18 ON ACCREDITATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF THE  
19 ANNUAL SURVEY REQUIRED BY PARAGRAPH (A) OF SUBDIVISION TWO OF SECTION  
20 FOUR HUNDRED SIXTY-ONE-A OF THE SOCIAL SERVICES LAW.

21 S 4. Subdivision 1 of section 4662 of the public health law, as added  
22 by chapter 2 of the laws of 2004, is amended to read as follows:

23 1. The commissioner is hereby authorized to:

24 (a) ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY RECOGNIZED  
25 ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDITATION OF  
26 REHABILITATION FACILITIES (CARF) IN LIEU OF INITIAL LICENSURE APPROVAL  
27 AS AN ASSISTED LIVING RESIDENCE, ENHANCED ASSISTED LIVING RESIDENCE,  
28 AND/OR A SPECIAL NEEDS ASSISTED LIVING RESIDENCE. FOR OPERATORS NOT  
29 LICENSED AS AN ADULT HOME OR ENRICHED HOUSING PROGRAM, THE ACCREDITATION  
30 REPORT SHALL BE ACCEPTED IN LIEU OF INITIAL LICENSURE AS AN ADULT HOME  
31 OR ENRICHED HOUSING PROGRAM SIMULTANEOUSLY WITH ASSISTED LIVING RESI-  
32 DENCE, ENHANCED ASSISTED LIVING RESIDENCE, AND/OR SPECIAL NEEDS ASSISTED  
33 LIVING RESIDENCE LICENSURE. FOR OPERATORS ALREADY LICENSED AS ADULT  
34 HOMES AND/OR ENRICHED HOUSING PROGRAMS BY THE DEPARTMENT, THE COMMIS-  
35 SIONER SHALL ACCEPT A CURRENT ACCREDITATION REPORT FROM A NATIONALLY  
36 RECOGNIZED ACCREDITING ORGANIZATION KNOWN AS THE COMMISSION ON ACCREDI-  
37 TATION OF REHABILITATION FACILITIES (CARF) IN LIEU OF LICENSURE AS AN  
38 ASSISTED LIVING RESIDENCE, AN ENHANCED ASSISTED LIVING RESIDENCE, AND/OR  
39 SPECIAL NEEDS ASSISTED LIVING RESIDENCE BY THE DEPARTMENT;

40 (B) develop, in consultation with the director of the state office for  
41 the aging, consumers, operators of assisted living residences and home  
42 care service agency providers, a consumer information guide to inform  
43 and assist the consumer in the selection of an assisted living resi-  
44 dence;

45 [(b)] (C) promulgate, in consultation with the director of the state  
46 office for the aging, such rules and regulations as are necessary to  
47 implement the provisions of this article;

48 [(c)] (D) receive and investigate complaints regarding the condition,  
49 operation and quality of care of any entities holding themselves out as  
50 assisted living, or advertising themselves by a similar term;

51 [(d)] (E) make necessary investigations to procure information  
52 required to implement the provisions of this article; and

53 [(e)] (F) exercise all other powers and functions as are necessary to  
54 implement the provisions of this article.

55 S 5. This act shall take effect immediately.