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

9563

I N A S S E M B L Y

March 16, 2016

Introduced by M. of A. WALKER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the relocation of residential health care facility long-term ventilator beds

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

Section 1. Subdivision 2 of section 2802 of the public health law, as amended by section 58 of part A of chapter 58 of the laws of 2010, is amended to read as follows:

2. The commissioner shall not act upon an application for construction of a hospital until the public health and health planning council and the health systems agency have had a reasonable time to submit their recommendations, and unless (a) the applicant has obtained all approvals and consents required by law for its incorporation or establishment (including the approval of the public health and health planning council pursuant to the provisions of this article) provided, however, that the commissioner may act upon an application for construction by an applicant possessing a valid operating certificate when the application qualifies for review without the recommendation of the council pursuant to regulations adopted by the council and approved by the commissioner, OR AS OTHERWISE AUTHORIZED BY THIS SECTION; and (b) the commissioner is satisfied as to the public need for the construction, at the time and place and under the circumstances proposed, provided however that, in the case of an application by a hospital established or operated by an organization defined in subdivision one of section four hundred eighty-two-b of the social services law, the needs of the members of the religious denomination concerned, for care or treatment in accordance with their religious or ethical convictions, shall be deemed to be public need.

S 2. Section 2802 of the public health law is amended by adding a new subdivision 2-c to read as follows:

2-C. AN APPLICATION FOR THE RELOCATION OF LONG-TERM VENTILATOR BEDS FROM ONE RESIDENTIAL HEALTH CARE FACILITY TO ANOTHER RESIDENTIAL HEALTH CARE FACILITY WITH COMMON OWNERSHIP SHALL BE SUBJECT TO LIMITED REVIEW

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

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BY THE DEPARTMENT. COMMON OWNERSHIP SHALL BE FOUND WHEN THE OWNERSHIP OR CONTROLLING INTEREST IN THE OPERATOR OF EACH RESIDENTIAL HEALTH CARE FACILITY IS THE SAME, PROVIDED THE PERCENTAGE OF OWNERSHIP INTEREST OF EACH OWNER MAY VARY BETWEEN THE TWO FACILITIES. FOR PURPOSES OF THIS SUBDIVISION, BOTH COMMON OWNERSHIP AND THE RELOCATION OF LONG-TERM VENTILATOR BEDS WITHIN THE SAME HEALTH SYSTEMS REGION SHALL BE DEEMED TO BE PUBLIC NEED.

S 3. This act shall take effect immediately.