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2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015

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Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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

3     8. NOTWITHSTANDING ANY LAW, RULE, OR REGULATION TO THE CONTRARY, THIS  
4     SUBDIVISION SHALL APPLY TO ANY APPLICATION FOR CONSTRUCTION REQUIRED  
5     UNDER THIS SECTION WITH THE EXCEPTION OF THOSE FEDERALLY QUALIFIED  
6     HEALTH CENTER CAPITAL PROJECTS SUBJECT TO SECTION TWENTY-EIGHT HUNDRED  
7     SEVEN-Z OF THIS ARTICLE.

8     (A) FOR AN APPLICATION REQUIRING A LIMITED OR ADMINISTRATIVE REVIEW,  
9     WITHIN NINETY CALENDAR DAYS OF THE DEPARTMENT DEEMING THE APPLICATION  
10    COMPLETE, THE COMMISSIONER SHALL MAKE A DECISION TO APPROVE OR DISAP-  
11    PROVE THE APPLICATION. IF THE COMMISSIONER DETERMINES TO DISAPPROVE THE  
12    APPLICATION, THE BASIS FOR SUCH DISAPPROVAL SHALL BE PROVIDED IN WRIT-  
13    ING; HOWEVER, DISAPPROVAL SHALL NOT BE BASED ON THE INCOMPLETENESS OF  
14    THE APPLICATION. IF THE COMMISSIONER FAILS TO TAKE ACTION TO APPROVE OR  
15    DISAPPROVE THE APPLICATION WITHIN NINETY CALENDAR DAYS OF THE APPLICA-  
16    TION BEING DEEMED COMPLETE, THE APPLICATION SHALL BE DEEMED APPROVED.

17    (B) FOR AN APPLICATION REQUIRING FULL REVIEW BY THE COUNCIL, THE  
18    APPLICATION SHALL BE PLACED ON THE NEXT COUNCIL AGENDA FOLLOWING THE  
19    DEPARTMENT DEEMING THE APPLICATION COMPLETE.

20    (C) WHERE THE COMMISSIONER OR DEPARTMENT REQUIRES THE APPLICANT TO  
21    SUBMIT INFORMATION TO SATISFY A CONTINGENCY FOR A CONSTRUCTION PROJECT,  
22    THE COMMISSIONER OR DEPARTMENT SHALL HAVE THIRTY CALENDAR DAYS TO REVIEW  
23    AND APPROVE OR DISAPPROVE THE SUBMITTED INFORMATION. IF THE COMMISSIONER  
24    OR DEPARTMENT DETERMINES THAT THE SUBMITTED INFORMATION IS INCOMPLETE,  
25    IT SHALL SO NOTIFY THE APPLICANT IN WRITING AND PROVIDE THE APPLICANT

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

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1 WITH TEN CALENDAR DAYS TO CORRECT THE DEFICIENCY OR PROVIDE ADDITIONAL  
2 INFORMATION. IF THE COMMISSIONER OR DEPARTMENT DETERMINES THAT THE  
3 SUBMITTED INFORMATION DOES NOT SATISFY THE CONTINGENCY, THE BASIS FOR  
4 SUCH DISAPPROVAL SHALL BE PROVIDED IN WRITING; HOWEVER, DISAPPROVAL  
5 SHALL NOT BE BASED ON THE INCOMPLETENESS OF THE APPLICATION. WITHIN  
6 FIFTEEN CALENDAR DAYS OF COMPLETE SATISFACTION OF A CONTINGENCY, THE  
7 COMMISSIONER OR DEPARTMENT SHALL TRANSMIT THE FINAL APPROVAL LETTER TO  
8 THE APPLICANT.

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

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

27 S 2. This act shall take effect on the one hundred twentieth day after  
28 it shall have become a law.