# STATE OF NEW YORK

1650

2017-2018 Regular Sessions

# IN ASSEMBLY

January 12, 2017

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

AN ACT to amend the public health law, in relation to providers eligible to access funding under the health care facility transformation program

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Subdivisions 2 and 3 of section 2825-d of the public health law, as added by section 2 of part F of chapter 59 of the laws of 2016, are amended to read as follows:

2. The commissioner and the president of the authority shall enter into an agreement, subject to approval by the director of the budget, and subject to section sixteen hundred eighty-r of the public authorities law, for the purposes of awarding, distributing, and administering the funds made available pursuant to this section. Such funds may be distributed by the commissioner and the president of the authority for capital grants to general hospitals, residential health care facilities, diagnostic and treatment centers [~~and~~], clinics licensed pursuant to this chapter or the mental hygiene law, assisted living programs and hospice providers, for capital non-operational works or purposes that support the purposes set forth in this section. A copy of such agreement, and any amendments thereto, shall be provided to the chair of the senate finance committee, the chair of the assembly ways and means committee, and the director of the division of budget no later than thirty days prior to the release of a request for applications for funding under this program. Priority shall be given to projects not funded, in whole or in part, under section twenty-eight hundred twenty-five or twenty-eight hundred twenty-five-c of this article. Projects awarded, in whole or part, under sections twenty-eight hundred twenty-five-a and twenty-eight hundred twenty-five-b of this article shall not be eligible for grants or awards made available under this section.

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

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3. Notwithstanding section one hundred sixty-three of the state finance law or any inconsistent provision of law to the contrary, up to two hundred million dollars of the funds appropriated for this program shall be awarded without a competitive bid or request for proposal process for capital grants to health care providers (hereafter "applicants"). Provided however that a minimum of thirty million dollars of total awarded funds shall be made to community-based health care providers, which, for purposes of this section shall be defined as a diagnostic and treatment center licensed or granted an operating certificate under this article; a mental health clinic licensed or granted an operating certificate under article thirty-one of the mental hygiene law; an alcohol and substance abuse treatment clinic licensed or granted an operating certificate under article thirty-two of the mental hygiene law; primary care providers; [~~or a~~] home care [~~provider~~] **providers** certified or licensed pursuant to article thirty-six of this chapter**; an assisted living program licensed pursuant to section four hundred sixty-one-l of the social services law; or a hospice provider licensed pursuant to this article**. Eligible applicants shall be those deemed by the commissioner to be a provider that fulfills or will fulfill a health care need for acute inpatient, outpatient, primary, home care or residential health care services in a community.

§ 2. This act shall take effect immediately.