

STATE OF NEW YORK

3459--A

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the public health law, in relation to pediatric day-respite centers and care

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

1 Section 1. The social services law is amended by adding a new section
2 367-j to read as follows:

3 § 367-j. Pediatric day-respite centers and care. 1. As used in this
4 section, the following terms shall have the following meanings:

5 (a) "Pediatric day-respite center" means a facility that provides a
6 structured day program of therapeutic social, developmental, and educa-
7 tional activities and programs, as well as onsite health care and pedia-
8 triatric day-respite services for up to ten consecutive hours per day to
9 medically fragile children under twenty-one years of age.

10 (b) "Pediatric day-respite care" means up to ten consecutive hours of
11 daytime relief for a medically fragile child's parent or guardian, and
12 developmentally appropriate programming for the child, including but not
13 limited to pediatric nursing services and supervision, meals, social
14 activities, and group educational enrichment programs.

15 (c) "Medically fragile child" means a child under twenty-one years of
16 age who is at risk of hospitalization or institutionalization, including
17 but not limited to a child who is technologically-dependent for life or
18 health-sustaining functions, requires a complex medication regimen or
19 medical interventions to maintain or to improve his or her health
20 status, or is in need of ongoing assessment or intervention to prevent
21 serious deterioration of his or her health status or medical compli-
22 cations that place his or her life, health or development at risk, but
23 who is capable of being cared for at home (including if provided with

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

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1 appropriate home care services, including but not limited to case
2 management services and continuous nursing services).

3 2. Services, including nursing services, that (a) would otherwise be
4 reimbursable under this title, (b) are pediatric day-respite care, (c)
5 are provided at a pediatric day-respite center, and (d) are provided to
6 a medically fragile child enrolled in medical assistance under this
7 title, shall be reimbursable under this title.

8 3. The commissioner shall make regulations under this section, includ-
9 ing procedures and requirements for an entity to qualify as a pediatric
10 day-respite center.

11 § 2. The public health law is amended by adding a new section 2512 to
12 read as follows:

13 § 2512. Pediatric day-respite centers and care. 1. As used in this
14 section, the following terms shall have the following meanings:

15 (a) "Pediatric day-respite center" means a facility that provides a
16 structured day program of therapeutic social, developmental, and educa-
17 tional activities and programs, as well as onsite health care and pedia-
18 trian day-respite services for up to ten consecutive hours per day to
19 medically fragile children under twenty-one years of age.

20 (b) "Pediatric day-respite care" means up to ten consecutive hours of
21 daytime relief for a medically fragile child's parent or guardian, and
22 developmentally appropriate programming for the child, including but not
23 limited to pediatric nursing services and supervision, meals, social
24 activities, and group educational enrichment programs.

25 (c) "Medically fragile child" means a child under twenty-one years of
26 age who is at risk of hospitalization or institutionalization, including
27 but not limited to a child who is technologically-dependent for life or
28 health-sustaining functions, requires a complex medication regimen or
29 medical interventions to maintain or to improve his or her health
30 status, or is in need of ongoing assessment or intervention to prevent
31 serious deterioration of his or her health status or medical compli-
32 cations that place his or her life, health or development at risk, but
33 who is capable of being cared for at home (including if provided with
34 appropriate home care services, including but not limited to case
35 management services and continuous nursing services).

36 2. Services, including nursing services, that (a) would otherwise be
37 reimbursable under this title, (b) are pediatric day-respite care, (c)
38 are provided at a pediatric day-respite center, and (d) are provided to
39 a medically fragile child enrolled in a child health insurance plan
40 under this title, shall be reimbursable under this title.

41 3. The commissioner shall make regulations under this section, includ-
42 ing procedures and requirements for an entity to qualify as a pediatric
43 day-respite center.

44 § 3. This act shall take effect on the first of April next succeeding
45 the date on which it shall have become a law; provided that, effective
46 immediately, the commissioner of health shall make regulations and take
47 other actions reasonably necessary to implement this act on such date.