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:

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

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

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

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

(c) "Medically fragile child" means a child under twenty-one years of age who is at risk of hospitalization or institutionalization, including but not limited to a child who is technologically-dependent for life or health-sustaining functions, requires a complex medication regimen or medical interventions to maintain or to improve his or her health status, or is in need of ongoing assessment or intervention to prevent serious deterioration of his or her health status or medical complications that place his or her life, health or development at risk, but 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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appropriate home care services, including but not limited to case management services and continuous nursing services).

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

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

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

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

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

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

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

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

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

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