

# STATE OF NEW YORK

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5671

2017-2018 Regular Sessions

## IN SENATE

April 25, 2017

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Introduced by Sen. HANNON -- (at request of the Department of Health) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Health

AN ACT to amend the public health law, the social services law and chapter 2 of the laws of 2004 amending the public health law, the social services law and the state finance law relating to enacting the assisted living reform act, in relation to reporting requirements by the department of health; to repeal certain provisions of the public health law and the social services law relating thereto; to repeal section 10 of chapter 409 of the laws of 1991 relating to providing for the submission of certain reports and written plans by certain state departments, the omnibus economic development act of nineteen hundred eighty-seven, and the New York state urban development corporation act, relating to reporting requirements; to repeal section 2 of the families in transition act of 2000, relating to an annual reporting requirement; and to repeal section 24-b of part B of chapter 58 of the laws of 2007 amending the elder law and other laws relating to the elderly pharmaceutical insurance coverage program, program eligibility and the generic drug dispensing fee, relating to reporting requirements

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

- 1 Section 1. Subdivision 5 of section 266 of the public health law, as
- 2 added by chapter 483 of the laws of 2014, is amended to read as follows:
- 3 5. Report [~~annually~~] every three years, commencing January first, two
- 4 thousand eighteen, to the commissioner, the temporary president of the
- 5 senate, the speaker of the assembly, the chair of the senate standing
- 6 committee on health, and the chair of the assembly health committee.
- 7 § 2. Subparagraph (ii) of paragraph (b) of subdivision 1 of section
- 8 409-c of the public health law is REPEALED.

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

LBD10166-01-7

1 § 3. Subdivision 5 of section 613 of the public health law is  
2 REPEALED.

3 § 4. Section 695-d of the public health law is REPEALED.

4 § 5. Paragraph o of subdivision 1 of section 802 of the public health  
5 law is REPEALED.

6 § 5-a. Paragraphs m and n of subdivision 1 of section 802 of the  
7 public health law, as added by chapter 445 of the laws of 1975 and as  
8 relettered by chapter 231 of the laws of 1990, are amended to read as  
9 follows:

10 m. make rules and regulations for the exercise of the council's powers  
11 and performance of its duties in order to carry out the provisions of  
12 this article; and

13 n. exercise and perform such other functions, powers, and duties as  
14 may from time to time be conferred or imposed by law[~~, and~~].

15 § 6. Paragraph (h) of subdivision 2 of section 1606 of the public  
16 health law is REPEALED.

17 § 7. Subdivision 12 of section 2165 of the public health law is  
18 REPEALED.

19 § 8. Subdivisions 1 and 2 of section 2401-a of the public health law  
20 are REPEALED.

21 § 9. Subdivision 3 of section 2401-a of the public health law, as  
22 added by chapter 393 of the laws of 2007, is amended to read as follows:

23 [~~3-~~] Skin cancer reporting. The department shall [~~annually~~] submit a  
24 written report every three years, commencing January first, two thousand  
25 eighteen, to the governor and the legislature on the incidence of skin  
26 cancer in the state of New York, by type and as a percentage of the  
27 overall number of reported cases of all types of cancer, as well as the  
28 associated causes of each type of skin cancer, if such causes are readi-  
29 ly ascertainable. Such report shall be generated based on data gathered  
30 and reviewed pursuant to this title, and shall provide information which  
31 is as current as practicable; provided, however, a retrospective of the  
32 past ten years of information collected pursuant to this title and  
33 predominant trends associated with such information, as concerns skin  
34 cancer and its associated causes, shall be a component of such report  
35 and each report submitted thereafter. At the discretion of the commis-  
36 sioner, such reports may provide additional information other than the  
37 information required by this subdivision. The first report created  
38 pursuant to this subdivision shall be submitted one year after the  
39 effective date of this subdivision. The reports generated pursuant to  
40 this subdivision shall be made available to the public on the depart-  
41 ment's website.

42 § 10. Subdivision 3 of section 2475 of the public health law is  
43 REPEALED.

44 § 11. Section 2500-c of the public health law is REPEALED.

45 § 12. Subdivision 5 of section 2500-i of the public health law, as  
46 added by chapter 46 of the laws of 2008, is amended to read as follows:

47 5. The department shall [~~annually report, on or before January first,~~]  
48 report every three years, commencing January first, two thousand eigh-  
49 teen, to the governor, the temporary president of the senate and the  
50 speaker of the assembly on the implementation of this section and any  
51 recommendations for furthering the purpose of this section.

52 § 13. Subdivision 13 of section 2511 of the public health law is  
53 REPEALED.

54 § 14. Section 2515-d of the public health law is REPEALED.

55 § 15. Section 2703 of the public health law is REPEALED.

1 § 16. Paragraph (g) of subdivision 1 of section 2712 of the public  
2 health law is REPEALED.

3 § 17. Subdivision 5 of section 2803-b of the public health law is  
4 REPEALED.

5 § 18. Section 2953 of the public health law is REPEALED.

6 § 19. Subdivision 12 of section 2959-a of the public health law is  
7 REPEALED.

8 § 20. Subdivision 3 of section 2998-a of the public health law is  
9 REPEALED.

10 § 21. Paragraph (e) of subdivision 1 of section 2998-b of the public  
11 health law is REPEALED.

12 § 22. Paragraph (c) of subdivision 1 of section 2998-c of the public  
13 health law is REPEALED.

14 § 23. Section 3397-g of the public health law is REPEALED.

15 § 24. Paragraph (b) of subdivision 5 of section 3614 of the public  
16 health law, as amended by chapter 60 of the laws of 1993, is amended to  
17 read as follows:

18 (b) The total amount of funds to be allocated and distributed for bad  
19 debt and charity care allowances to eligible certified home health agen-  
20 cies for a rate period in accordance with this subdivision shall be  
21 limited to an annual aggregate amount of six million two hundred fifty  
22 thousand dollars; provided, however, that the amount of funds allocated  
23 for distribution to eligible publicly sponsored certified home health  
24 agencies for bad debt and charity care allowances shall not exceed thir-  
25 ty-five percent of total available funds for all eligible certified home  
26 health agencies for bad debt and charity care allowances. In establish-  
27 ing an apportionment of available funds to publicly sponsored certified  
28 home health agencies in accordance with this paragraph, the commissioner  
29 shall promulgate regulations which may include, but not be limited to,  
30 such factors as the ratio of public to nonpublic base year period bad  
31 debt and charity care provided by eligible certified home health agen-  
32 cies and differences in costs for delivering such services. Certified  
33 home health agencies provided by general hospitals shall not be eligible  
34 for any portion of the allocation pursuant to this paragraph for the  
35 period of July first, nineteen hundred ninety through December thirty-  
36 first, nineteen hundred ninety-four, or for such longer period if  
37 extended by law, based on the projected availability of an equitable  
38 level of bad debt and charity care coverage for such agencies provided  
39 pursuant to chapter two of the laws of nineteen hundred eighty-eight and  
40 any future amendments thereto. ~~[In order to determine the appropriate-~~  
41 ~~ness of the exclusion of hospital-based certified home health agencies~~  
42 ~~and the allocation to publicly sponsored certified home health agencies~~  
43 ~~pursuant to this paragraph, the commissioner on or before April thirti-~~  
44 ~~eth, nineteen hundred ninety-one and annually thereafter shall report to~~  
45 ~~the governor, the chairmen of the senate finance and assembly ways and~~  
46 ~~means committees and the chairmen of the senate and assembly standing~~  
47 ~~committees on health comparing the levels of bad debt and charity care~~  
48 ~~coverage for all certified home health agencies and indicating whether~~  
49 ~~such coverage is equitable, within a five percent differential, between~~  
50 ~~hospital-based, public, other voluntary non-profit and private proprie-~~  
51 ~~tary certified home health agencies considering the availability of all~~  
52 ~~other forms of financial support or subsidies for this purpose. Should~~  
53 ~~the differential of the preceding be greater than five percent, the~~  
54 ~~commissioner shall recommend modifications to the provisions of this~~  
55 ~~paragraph, and to any associated regulations, as may be necessary to~~  
56 ~~achieve equitable levels of bad debt and charity care coverage.]~~

1     § 25. Section 4807 of the public health law is REPEALED.

2     § 26. Section 366-h of the social services law, as added by section 7  
3 of part B of chapter 57 of the laws of 2000, is amended to read as  
4 follows:

5     § 366-h. Automated system; established. Notwithstanding any inconsist-  
6 ent provision of law or regulation, the commissioner of health shall, as  
7 soon as practicable, establish an automated system to ensure that  
8 persons who meet the criteria for receipt of medical assistance benefits  
9 under paragraph (a) or (c) of subdivision four of section three hundred  
10 sixty-six of this title shall remain enrolled in the medical assistance  
11 program without interruption and receive the benefits set forth accord-  
12 ing to paragraph (a) or (c) of subdivision four of section three hundred  
13 sixty-six of this title. Pending implementation of such automated  
14 system, such commissioner shall, in consultation with the office of  
15 temporary and disability assistance, undertake and continue efforts to  
16 educate local departments of social services about the measures they  
17 must take to ensure that medical assistance benefits are provided to  
18 persons eligible for such benefits under subdivision four of section  
19 three hundred sixty-six of this title. [~~A report on the progress to~~  
20 ~~implement such automated system shall be submitted annually to the~~  
21 ~~governor and the legislature by the commissioner of health.~~]

22     § 27. Subdivision 5 of section 367-e of the social services law is  
23 REPEALED.

24     § 28. Section 10 of chapter 409 of the laws of 1991 relating to  
25 providing for the submission of certain reports and written plans by  
26 certain state departments, the omnibus economic development act of nine-  
27 teen hundred eighty-seven, and the New York state urban development  
28 corporation act, is REPEALED.

29     § 29. Section 2 of chapter 477 of the laws of 2000 relating to enact-  
30 ing the families in transition act of 2000, is REPEALED.

31     § 30. Section 5 of chapter 2 of the laws of 2004 amending the public  
32 health law, the social services law and the state finance law relating  
33 to enacting the assisted living reform act, is amended to read as  
34 follows:

35     § 5. A task force on adult care facilities and assisted living resi-  
36 dences is hereby created, and shall consist of ten members to be  
37 appointed as follows: six members shall be appointed by the governor,  
38 two members shall be appointed by the temporary president of the senate,  
39 and two members shall be appointed by the speaker of the assembly. The  
40 purpose of such task force, which shall be convened not later than  
41 December 1, 2004, shall be to update and revise the requirements and  
42 regulations applicable to adult care facilities and assisted living  
43 residences to better promote resident choice, autonomy and independence.  
44 Ex officio members of the task force shall include the commissioner of  
45 health, the director of the state office for the aging, the commissioner  
46 of the office of mental health, the chair of the commission on quality  
47 of care for the mentally disabled, or their designees. The task force  
48 shall gather information regarding the various ways in which existing  
49 requirements and guidelines unduly infringe on affordability of care and  
50 services, individual resident choice, autonomy and independence, examine  
51 and evaluate such requirements and guidelines, and make recommendations  
52 to improve them so that they achieve their desired objectives for the  
53 resident populations they are designed to protect without infringing  
54 upon the choice, autonomy and independence of other residents. Such  
55 recommendations shall include, but not be limited to: (a) minimizing  
56 duplicative or unnecessary regulatory oversight; (b) ensuring that the

1 indigent have adequate access to, and that there are a sufficient number  
2 of enhanced assisted living residences; (c) developing affordable  
3 assisted living; (d) promoting resident choice and independence; (e) the  
4 evaluation tool as required by section 4657 of the public health law;  
5 and, (f) specific standards and criteria relating to the special needs  
6 certificates required by section 4655 of the public health law. [~~The~~  
7 ~~task force shall issue a report of its findings and recommendations to~~  
8 ~~the governor and legislature on or before June 1, 2005 and annually~~  
9 ~~thereafter.~~]

10 § 31. Section 24-b of part B of chapter 58 of the laws of 2007, amend-  
11 ing the elder law and other laws relating to the elderly pharmaceutical  
12 insurance coverage program, program eligibility and the generic drug  
13 dispensing fee, is REPEALED.

14 § 32. This act shall take effect immediately; provided, however, that:  
15 (a) sections one, nine and twelve of this act shall take effect Decem-  
16 ber 31, 2017; and

17 (b) the amendments to paragraph (b) of subdivision 5 of section 3614  
18 of the public health law made by section twenty-four of this act shall  
19 not affect the expiration of such subdivision and shall be deemed to  
20 expire therewith.