

STATE OF NEW YORK

10470

IN ASSEMBLY

May 22, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fall) --
read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to specifying procedures for the closure and/or decertification of diagnostic and treatment centers

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

- 1 Section 1. The public health law is amended by adding a new section
2 2828 to read as follows:
3 § 2828. Closure of diagnostic and treatment centers. 1. In the event
4 that an operator of a diagnostic and treatment center organized under
5 this article elects to close and to surrender an operating certificate
6 and/or certification as a diagnostic and treatment center, the following
7 provisions shall apply:
8 (a) The operator shall notify the appropriate regional office of the
9 department in writing prior to the anticipated date of closure of the
10 diagnostic and treatment center and/or the decertification of such diag-
11 nostic and treatment center.
12 (b) Such written notice shall include a proposed plan for closure
13 and/or decertification. The plan shall be subject to the approval of the
14 commissioner, shall include timetables for all steps entailed in the
15 closure process and shall describe the procedures and actions the opera-
16 tor will take to:
17 (i) notify patients who have visited the diagnostic and treatment
18 center within the past year or the representatives of such patients of
19 the closure, and/or decertification;
20 (ii) notify patients or the representatives of such patients of other
21 diagnostic and treatment centers in their area; and
22 (iii) maintain compliance with approved plan until all prior patients
23 have been notified pursuant to this subdivision.
24 2. The operator shall take no action to close the diagnostic and
25 treatment center prior to approval from the commissioner of the plan for
26 closure and/or decertification.

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

LBD16393-01-0

1 3. As part of the final approval of the closure plan, the department,
2 center for health care quality and surveillance and operator shall agree
3 upon a target closure date, which shall be at least one hundred twenty
4 days from the actual date that the operator provides written notifica-
5 tion to the patients and the patients' representatives of the closure
6 pursuant to subdivision one of this section.

7 4. Failure to notify the department of intent to cease operations,
8 failure to submit a plan for closure and/or decertification, failure to
9 execute the approved plan for closure and/or decertification and closing
10 a diagnostic and treatment center before all patients or patients'
11 representatives who are required to be notified pursuant to subdivision
12 one of this section have been appropriately notified, shall result in
13 the imposition of civil penalties in accordance with section twelve of
14 this chapter. No such civil penalty shall be imposed where the operator
15 is unable to notify a patient or patients' representative pursuant to
16 subdivision one of this section, and the operator has notified the
17 department of such inability to notify a patient or patients' represen-
18 tative, including a description of the good faith attempt made to notify
19 such patient or patients' representative.

20 5. The commissioner may promulgate such rules and regulations as he or
21 she deems necessary to implement the provisions of this section.

22 § 2. This act shall take effect on the first of January next succeed-
23 ing the date on which it shall have become a law, and shall apply to all
24 closures of diagnostic and treatment centers occurring on or after such
25 effective date; provided, however, that effective immediately, the addi-
26 tion, amendment and/or repeal of any rule or regulation necessary for
27 the implementation of this act on its effective date are authorized and
28 directed to be made and completed on or before such effective date.