STATE OF NEW YORK

8387

2019-2020 Regular Sessions

IN ASSEMBLY

June 15, 2019

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

AN ACT to amend the public health law, in relation to appointing a supervisor for for-profit assisted living facilities which are designated as special focus facilities

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

Section 1. The public health law is amended by adding a new section 4677 to read as follows:

§ 4677. Facilities designated under the special focus facility initiative. 1. This section shall apply to all for-profit assisted living facilities located within the state.

2. (a) The department shall appoint a supervisor to work with any assisted living facility or nursing home which has been designated as a "special focus facility" by the federal centers for Medicare and Medicaid services, or "CMS", as part of the special focus facility initiative, in order to oversee, monitor and assist such facilities with correcting noted deficiencies, proper allocation of funds and eliminating patterns of serious problems within such facility.

(b) For purposes of this section, a "special focus facility" shall be an assisted living facility or nursing home which, after an inspection or multiple inspections of the premises, has been designated by CMS under the special focus facility initiative as a facility that:

(i) has more than twice the average number of deficiencies than other nursing homes or assisted living facilities;

(ii) has more serious deficiencies than other nursing homes or assisted living facilities, including harm or injury experienced by residents; or

(iii) shows a pattern of serious problems which have persisted over the prior three years before the date a nursing home or assisted living facility was designated a special focus facility by CMS.

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

LBD13304-01-9

3. A supervisor appointed by the department shall work in conjunction with and monitor the owner or licensed operator of such facility and its staff to provide oversight on any deficiencies cited by CMS.

4. A supervisor appointed shall monitor and work with a facility for a period of five years, commencing on the date that CMS designates such facility as a special focus facility. The supervisor appointed shall be relieved of its duties only if CMS determines that a facility has graduated from the special focus facility initiative and supervision is no longer necessary.

5. Supervisors appointed by the department to work with a special focus facility shall have the following duties:

(a) work in conjunction with the owner or licensed operator and staff members to monitor and remedy any deficiencies cited by CMS and improve the quality of life of residents and quality of care provided by staff;

(b) ensure that staffing levels at such facility are adequate at all times to allow for residents to receive medication as needed in a timely manner and receive care pursuant to each resident's recommended care plan;

(c) improve such facilities practices to ensure they do not result in any harm or injury to its residents;

(d) ensure that such facility has acceptable living conditions for its residents at all times and that funds are being properly allocated to maintain or improve such conditions;

(e) ensure that essential equipment is regularly tested, maintained and replaced, if necessary;

(f) ensure each resident receives person-center care consistent with residential rights in a timely and dignified manner;

(g) ensure such facility meets CMS safety requirements, such as protection from fire hazards or proper evacuation methods; and

(h) ensure such facility is properly storing, preparing and delivering food to residents in accordance with general health practices.

6. The department and any assigned supervisor shall follow all additional guidelines and procedures as required by CMS pursuant to the special focus facility initiative.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.