STATE OF NEW YORK

1820

2019-2020 Regular Sessions

IN SENATE

January 16, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend part B of chapter 57 of the laws of 2018, amending the public health law and other laws relating to registration of licensed home care services agencies, in relation to the moratorium on the processing and approval of applications

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

Section 1. Section 9-e of part B of chapter 57 of the laws of 2018, amending the public health law and other laws relating to registration of licensed home care services agencies, is amended to read as follows:

§ 9-e. Effective April 1, 2018, the commissioner of health shall place a moratorium on the processing and approval of applications seeking licensure of a licensed home care services agency pursuant to section 3605 of the public health law that have not received establishment approval or contingent establishment approval by the public health and health planning council, except for: (a) an application seeking licensure of a licensed home care services agency that is submitted with an application for approval as an assisted living program authorized pursuant to section 461-l of the social services law; (b) an application seeking approval to transfer ownership for an existing licensed home care services agency that has been licensed and operating for a minimum of five years for the purpose of consolidating ownership of two or more licensed home care services agencies; [~~and~~] (c) an application seeking licensure of a home care services agency where the applicant demonstrates to the satisfaction of the commissioner of health that submission of the application to the public health and health planning council for consideration would be appropriate on grounds that the application addresses a serious concern such as a lack of access to home care services in the geographic area or a lack of adequate and appropriate care, language and cultural competence, or special needs services**;**

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

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and (d) any other application that the commissioner of health, in his or her discretion, deems to be consistent with goals for consolidation and improving care delivery. Such moratorium shall expire on March 31, 2020. In implementing the provisions of this section, the commissioner shall, to the extent practicable, review and, where appropriate, prioritize presentation to the public health and health planning council of complete applications under paragraph (b) of this section where the applicants demonstrate, to the satisfaction of the commissioner, that the proposed change in ownership is consistent with the goals of paragraph (j) of subdivision 7 of section 4403-f of the public health law.

§ 2. This act shall take effect immediately.