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:

Section 1. The public health law is amended by adding a new section 2828 to read as follows:

§ 2828. Closure of diagnostic and treatment centers. 1. In the event that an operator of a diagnostic and treatment center organized under this article elects to close and to surrender an operating certificate and/or certification as a diagnostic and treatment center, the following provisions shall apply:

(a) The operator shall notify the appropriate regional office of the department in writing prior to the anticipated date of closure of the diagnostic and treatment center and/or the decertification of such diagnostic and treatment center.

(b) Such written notice shall include a proposed plan for closure and/or decertification. The plan shall be subject to the approval of the commissioner, shall include timetables for all steps entailed in the closure process and shall describe the procedures and actions the operator will take to:

(i) notify patients who have visited the diagnostic and treatment center within the past year or the representatives of such patients of the closure, and/or decertification;

(ii) notify patients or the representatives of such patients of other diagnostic and treatment centers in their area; and

(iii) maintain compliance with approved plan until all prior patients have been notified pursuant to this subdivision.

2. The operator shall take no action to close the diagnostic and treatment center prior to approval from the commissioner of the plan for closure and/or decertification.

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

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

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

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

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