STATE OF NEW YORK

4938

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the public health law, in relation to imposing a nursing home purchase moratorium on those who own or have owned failing facilities

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

Section 1. The legislature recognizes the importance of holding nursing homes accountable in order to ensure a high quality of care. This body acknowledges department of health inspections as the method of holding nursing homes to our state's standards. The legislature also recognizes that nursing home operators who receive poor inspection grades are not meeting our state's standards.

The legislature intends to bar failing nursing home owners from acquiring additional nursing homes in this state until they have demonstrated an ability to keep their existing facilities up to standard.

§ 2. The public health law is amended by adding a new section 2808-e to read as follows:

§ 2808-e. Nursing home purchasing moratorium. 1. For the purposes of this section, the term "owned facility" shall mean any facility disclosed under subdivisions two and three of this section.

2. Any individual attempting to purchase a nursing home shall disclose to the department which existing medical facilities that individual or that individual's spouse owns within the state. Additionally, such individual shall disclose whether any partnership, corporation, firm, society, or other entity of which that individual or that individual's spouse owns more than ten percent of or by which the individual or that individual's spouse is employed owns existing medical facilities in the state.

3. Any partnership, corporation, firm, society, or other entity attempting to purchase a nursing home shall disclose to the department

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

LBD05389-01-9

any ownership of existing medical facilities in the state. Additionally, such partnership, corporation, firm, society, or other entity shall disclose to the department which medical facilities are owned by all individuals or spouses of individuals who own more than ten percent of such entity.

4. The department shall review standard health inspection and life safety health inspection records for all of an applicant's owned facilities.

5. In the event that one or more of an applicant's owned facilities has been cited for noncompliance in a standard health inspection or life safety health inspection, that applicant shall not be permitted to purchase a nursing home within the state until the owned facility or facilities in violation have been proven to be in compliance for twenty-four consecutive months.

6. In the event that one or more owned facilities has been cited for noncompliance in a standard health inspection or life safety health inspection and the owning individual, partnership, corporation, firm, society, or other entity sells the cited owned facility or relinquishes its ownership stake in the cited owned facility, that individual, partnership, corporation, firm, society, or other entity shall not be permitted to purchase a nursing home within the state until twenty-four months have elapsed since the change in ownership status and the individual or firm pays to the department a compliance fee equal to the amount of fines imposed at the time of citation.

7. All monies collected by the department under the provisions of this law shall be made available for use by the department for the purposes of executing this law.

§ 3. This act shall take effect immediately.