

# STATE OF NEW YORK

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1820

2019-2020 Regular Sessions

## IN SENATE

January 16, 2019

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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:

1 Section 1. Section 9-e of part B of chapter 57 of the laws of 2018,  
2 amending the public health law and other laws relating to registration  
3 of licensed home care services agencies, is amended to read as follows:  
4 § 9-e. Effective April 1, 2018, the commissioner of health shall place  
5 a moratorium on the processing and approval of applications seeking  
6 licensure of a licensed home care services agency pursuant to section  
7 3605 of the public health law that have not received establishment  
8 approval or contingent establishment approval by the public health and  
9 health planning council, except for: (a) an application seeking licen-  
10 sure of a licensed home care services agency that is submitted with an  
11 application for approval as an assisted living program authorized pursu-  
12 ant to section 461-1 of the social services law; (b) an application  
13 seeking approval to transfer ownership for an existing licensed home  
14 care services agency that has been licensed and operating for a minimum  
15 of five years for the purpose of consolidating ownership of two or more  
16 licensed home care services agencies; [~~and~~] (c) an application seeking  
17 licensure of a home care services agency where the applicant demon-  
18 strates to the satisfaction of the commissioner of health that  
19 submission of the application to the public health and health planning  
20 council for consideration would be appropriate on grounds that the  
21 application addresses a serious concern such as a lack of access to home  
22 care services in the geographic area or a lack of adequate and appropri-  
23 ate 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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1 and (d) any other application that the commissioner of health, in his or  
2 her discretion, deems to be consistent with goals for consolidation and  
3 improving care delivery. Such moratorium shall expire on March 31, 2020.  
4 In implementing the provisions of this section, the commissioner shall,  
5 to the extent practicable, review and, where appropriate, prioritize  
6 presentation to the public health and health planning council of  
7 complete applications under paragraph (b) of this section where the  
8 applicants demonstrate, to the satisfaction of the commissioner, that  
9 the proposed change in ownership is consistent with the goals of para-  
10 graph (j) of subdivision 7 of section 4403-f of the public health law.  
11 § 2. This act shall take effect immediately.