

# STATE OF NEW YORK

5931

2019-2020 Regular Sessions

## IN SENATE

May 16, 2019

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

AN ACT to amend the public health law, in relation to limitations on the processing and approval of applications seeking licensure of a licensed home care services agency

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

1 Section 1. Subdivisions 4 and 6 of section 3605 of the public health  
2 law, as amended by section 9-b of part B of chapter 57 of the laws of  
3 2018, are amended to read as follows:

4 4. The public health and health planning council shall not approve an  
5 application for licensure unless it is satisfied as to[~~+(a) the public~~  
6 ~~need for the existence of the licensed home health care service agency~~  
7 ~~at the time and place and under the circumstances proposed, (b)~~ the  
8 character, competence and standing in the community of the applicant's  
9 incorporators, directors, sponsors, stockholders or operators[~~+(c) the~~  
10 ~~financial resources of the proposed licensed home health care service~~  
11 ~~agency and its sources of financial revenues, and (d) such other matters~~  
12 ~~as it shall deem pertinent~~].

13 6. Neither public need, tax status nor profit-making status shall be  
14 criteria for licensure.

15 § 2. This act shall take effect on the same date and in the same  
16 manner as section 9-b of part B of chapter 57 of the laws of 2018, takes  
17 effect.

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

LBD11798-01-9