STATE OF NEW YORK

9996

IN ASSEMBLY

April 29, 2022

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

AN ACT to amend the public health law, in relation to expanding the young adults with medical fragility demonstration program

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

Section 1. Subdivisions 1, 4 and 5 of section 2808-e of the public health law, as added by section 1 of part MM of chapter 57 of the laws of 2021, are amended to read as follows:

1. Notwithstanding any law, rule, or regulation to the contrary, the commissioner shall, within amounts appropriated and subject to the availability of federal financial participation, establish a demonstration program for two eligible pediatric residential health care facilities, as defined in paragraph (d) of subdivision two of this section**, and any eligible residential health care facility, as defined in paragraph (e) of subdivision two of this section**, to construct a new facility or repurpose part of an existing facility to operate as a young adult residential health care facility for the purpose of improving the quality of care for young adults with medical fragility.

4. Upon **selection of an eligible residential health care facility for the demonstration program, or upon** receipt of a certificate of need application from an eligible pediatric residential health care facility selected by the commissioner for the demonstration program authorized under this section, the commissioner is authorized to approve, with the written approval of the public health and health planning council pursuant to section twenty-eight hundred two of this article, the construction of a new residential health care facility to be constructed and operated on a parcel of land within the same county as that of **the** eligible pediatric residential health care facility **or eligible residential health care facility** that is proposing such new facility and over which it will have site control, or the repurposing of a portion of a residential health care facility that is currently serving geriatric residents or those with similar needs for the provision of nursing, medical, psychological and counseling support services appropriate to

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

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the needs of nursing home-eligible young adults with medical fragility, referred to herein below as a young adult facility, provided that the established operator of such eligible pediatric residential health care facility **or eligible residential health care facility** proposing the young adult facility is in good standing and**, if an eligible pediatric residential care facility** possesses at least thirty years' prior experience operating as a pediatric residential health care facility in the state or more than thirty years' experience serving medically fragile pediatric patients, [~~and provided further that such facility qualifies for the demonstration program set forth in subdivision one of this section~~] **or if an eligible residential health care facility, such facility can satisfactorily demonstrate to the commissioner that it has the capability to meet the needs of medically fragile pediatric patients**.

5. A young adult facility established pursuant to subdivision four of this section may admit, from the community-at-large or upon referral from an unrelated facility, young adults with medical fragility who prior to reaching age twenty-one were children with medical fragility, and who are eligible for nursing home care and in need of extensive nursing, medical, psychological and counseling support services, provided that [~~the~~] **such** young adult facility, to promote continuity of care, undertakes to provide priority admission to young adults with medical fragility transitioning from the pediatric residential health care facility or unit operated by the entity that proposed the young adult facility and ensure sufficient capacity to admit such young adults as they approach or attain twenty-one years of age.

§ 2. Subdivision 2 of section 2808-e of the public health law, as added by section 1 of part MM of chapter 57 of the laws of 2021, is amended by adding a new paragraph (e) to read as follows:

(e) "eligible residential health care facility" shall mean a residential health care facility that meets the following eligibility criteria for the demonstration program set forth in subdivision one of this section: (i) such facility was selected as a vendor pursuant to part A or part B of the department's request for proposal #16680, as amended, implementing the "Operational Design of Young Adult Special Population Programs" as established pursuant to section forty-seven of part B of chapter fifty-seven of the laws of two thousand fifteen; and (ii) such facility has submitted a certificate of need application for the establishment of a young adult unit reflecting the operational design for which such facility was selected as a vendor pursuant to parts A or B of such request for proposal.

§ 3. This act shall take effect immediately; provided, however, that the amendments to section 2808-e of the public health law made by sections one and two of this act shall not affect the expiration and repeal of such section, and shall expire and be deemed repealed therewith.