

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:

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

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

14 4. Upon selection of an eligible residential health care facility for
15 the demonstration program, or upon receipt of a certificate of need
16 application from an eligible pediatric residential health care facility
17 selected by the commissioner for the demonstration program authorized
18 under this section, the commissioner is authorized to approve, with the
19 written approval of the public health and health planning council pursu-
20 ant to section twenty-eight hundred two of this article, the
21 construction of a new residential health care facility to be constructed
22 and operated on a parcel of land within the same county as that of the
23 eligible pediatric residential health care facility or eligible residen-
24 tial health care facility that is proposing such new facility and over
25 which it will have site control, or the repurposing of a portion of a
26 residential health care facility that is currently serving geriatric
27 residents or those with similar needs for the provision of nursing,
28 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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1 the needs of nursing home-eligible young adults with medical fragility,
2 referred to herein below as a young adult facility, provided that the
3 established operator of such eligible pediatric residential health care
4 facility or eligible residential health care facility proposing the
5 young adult facility is in good standing and, if an eligible pediatric
6 residential care facility possesses at least thirty years' prior experi-
7 ence operating as a pediatric residential health care facility in the
8 state or more than thirty years' experience serving medically fragile
9 pediatric patients, [~~and provided further that such facility qualifies~~
10 ~~for the demonstration program set forth in subdivision one of this~~
11 ~~section]~~ or if an eligible residential health care facility, such facil-
12 ity can satisfactorily demonstrate to the commissioner that it has the
13 capability to meet the needs of medically fragile pediatric patients.

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

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

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

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