

# STATE OF NEW YORK

2251

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON -- Multi-Sponsored by -- M. of A. ABINANTI, BARNWELL, BARRON, CARROLL, COOK, DAVILA, EPSTEIN, GOTTFRIED, HEVESI, PAULIN, SEAWRIGHT, STECK, WALKER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the closure of hospitals or emergency or maternity departments

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

1 Section 1. This act shall be known and may be cited as the "local  
2 input in community healthcare act".

3 § 2. The public health law is amended by adding a new section 2801-h  
4 to read as follows:

5 § 2801-h. Closure of hospitals and certain hospital departments. 1.  
6 Notwithstanding any provision of law to the contrary, the closure of a  
7 general hospital or an emergency or maternity department, or surrender  
8 of an operating certificate pursuant to this article shall be subject to  
9 review and approval by the commissioner.

10 2. (a) When a facility applies to the commissioner for the closure of  
11 a general hospital or an emergency or maternity department, the facility  
12 must include a closure plan, including:

13 (1) the anticipated impact of the general hospital's or department's  
14 closure on access to health care services by members of the surrounding  
15 communities, including but not limited to recipients of medical assist-  
16 ance for needy persons, the uninsured, and underserved populations  
17 including people with disabilities;

18 (2) specific measures the facility and other parties have taken or  
19 would take to ameliorate such anticipated impact on the communities;

20 (3) any further recommendations regarding access to health care  
21 services in communities impacted by the closure; and

22 (4) efforts to identify an alternate operator or efforts to request  
23 that the state assess its ability to assume financial responsibility.

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

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1 (b) No later than thirty days after receipt of an application for  
2 closure of a general hospital the commissioner shall submit a written  
3 notification to the county executive or president of the borough within  
4 which the facility is located, the congressional representative for the  
5 district in which the facility is located, and the state senator and the  
6 assembly member representing the area within which the facility is  
7 located, the city or county department of health, and where applicable,  
8 the community board or the city council member representing the area  
9 within which the facility is located. Such written notification shall  
10 include:

11 (1) a complete copy of the hospital or department closure plan; and

12 (2) complete copies of the application or request for closure.

13 (c) The commissioner shall also make a full copy of such notification  
14 available to the public on the department's website.

15 (d) The commissioner shall also notify the public of such application  
16 for closure through a press release and the posting of a notice at the  
17 affected hospital.

18 3. Upon any decision by the commissioner to approve or reject an  
19 application for closure of a general hospital or an emergency or mater-  
20 nity department, the commissioner shall make available to the public on  
21 the department's website a written report including:

22 (a) a summary of the issues and proposals raised pursuant to subdivi-  
23 sion one of section twenty-eight hundred one-g of this article;

24 (b) a statement of the reasons why any significant alternative  
25 proposals made pursuant to subdivision one of section twenty-eight  
26 hundred one-g of this article were or were not incorporated into the  
27 final closure plan;

28 (c) a description of any changes made to the proposed closure plan as  
29 a result of the issues or proposals raised pursuant to subdivision one  
30 of section twenty-eight hundred one-g of this article;

31 (d) the anticipated impact of the general hospital's or department's  
32 closure on access to health care services by members of the surrounding  
33 community, including but not limited to, recipients of medical assist-  
34 ance for needy persons, the uninsured, and underserved populations  
35 including people with disabilities;

36 (e) the specific measures the facility, the department and other  
37 parties have taken or will take to ameliorate the anticipated impact;

38 (f) an assessment of the ability of the state to assume financial  
39 responsibility or identify an alternate operator;

40 (g) any further recommendations regarding access to health care  
41 services in communities impacted by the general hospital's or emergency  
42 or maternity department's closure;

43 (h) information about transitional medical services to the impacted  
44 communities, including but not limited to arrangements for continuity of  
45 care; and

46 (i) a complete copy of the proposed decision of the commissioner  
47 regarding the closure of the hospital or emergency or maternity depart-  
48 ment, including all proposed terms, conditions and plans for providing  
49 health services to the affected communities and populations.

50 4. The commissioner may only approve the application if he or she  
51 reasonably determines that the needs of the community and impacted  
52 stakeholders, including but not limited to access to emergency medical  
53 care, can be adequately met.

54 5. No closure shall be approved under this section unless the commis-  
55 sioner complies with the provisions of this section and the provisions  
56 of section twenty-eight hundred one-g of this article.

1 6. The commissioner shall promulgate any rules necessary to effectuate  
2 the provisions of this section.

3 § 3. Section 2801-g of the public health law, as added by chapter 541  
4 of the laws of 2010, is amended to read as follows:

5 § 2801-g. Community forum on hospital closure. 1. No later than  
6 ~~[thirty]~~ forty-five days after ~~[the]~~ an application for closure of a  
7 general hospital, or an emergency or maternity department, and at least  
8 sixty days prior to the proposed closure date, the commissioner shall  
9 hold a public community forum for the purpose of obtaining public input  
10 concerning the anticipated impact of the general hospital's or emergency  
11 or maternity department's closure on access to health care services by  
12 members of the surrounding community, including but not limited to  
13 recipients of medical assistance for needy persons, the uninsured, and  
14 underserved populations including people with disabilities, and options  
15 and proposals to ameliorate such anticipated impact. The commissioner  
16 shall afford community members, health care providers, labor unions,  
17 payers, businesses ~~[and]~~, consumers, the congressional representative  
18 for the district in which the facility is located, the county executive  
19 or president of the borough within which the facility is located, the  
20 state senator and assembly member representing the area within which the  
21 facility is located, and the community board and the city council member  
22 representing the area within which the facility is located where appli-  
23 cable, a reasonable opportunity to speak about relevant matters at such  
24 community forum. The commissioner shall also accept comments submitted  
25 in writing at such public forum and by mail within at least two weeks  
26 following the community forum. At least ten days prior to such communi-  
27 ty forum, the commissioner shall release publicly and post on its  
28 website a complete copy of the commissioner's notification related to  
29 the closure required by subdivision three of section twenty-eight  
30 hundred one-h of this article.

31 2. ~~[No later than sixty days after holding a community forum pursuant~~  
32 ~~to subdivision one of this section, the commissioner shall make avail-~~  
33 ~~able to the public on the department's website information regarding.~~

34 ~~(a) the anticipated impact of the general hospital's closure on access~~  
35 ~~to health care services by members of the surrounding community, includ-~~  
36 ~~ing but not limited to recipients of medical assistance for needy~~  
37 ~~persons, the uninsured, and underserved populations;~~

38 ~~(b) specific measures the department and other parties have taken or~~  
39 ~~will take to ameliorate such anticipated impact; and~~

40 ~~(c) any further recommendations regarding access to health care~~  
41 ~~services in communities impacted by the general hospital's closure.~~

42 ~~3-]~~ A community forum conducted pursuant to this section shall be held  
43 at a location within a reasonable proximity to the general hospital  
44 subject to closure, and shall be announced no less than ten days prior  
45 to the date of such community forum.

46 § 4. This act shall take effect immediately.