

STATE OF NEW YORK

4656--B

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. GOTTFRIED, McDONALD, STECK, BURDICK, GRIFFIN, FORREST, GALEF, FAHY -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing a special needs assisted living program to serve persons with neurodegenerative diseases

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

1 Section 1. Section 4655 of the public health law, as added by chapter
2 2 of the laws of 2004, is amended by adding a new subdivisions 7 to read
3 as follows:

4 7. (a) The department shall establish a special needs assisted living
5 program to serve persons with neurodegenerative diseases (such as demen-
6 tia or Parkinson's disease) with behavior disturbances, as defined by
7 the diagnostic and statistical manual of mental disorders or the inter-
8 national classifications of diseases.

9 (i) Such program will be limited to no more than ten sites, each
10 limited to no more than ten residential beds and in addition may include
11 two respite beds.

12 (ii) There shall be no more than five residents per site upon admis-
13 sion, who are in need of twenty-four-hour skilled nursing care or
14 medical care which would otherwise require placement in a hospital or
15 nursing home.

16 (iii) All residents must have been declined admission or readmission
17 by a nursing home or be an admission requested by a lawful represen-
18 tative of the resident. In addition, a physician or nurse practitioner

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

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1 must certify that the prospective resident can be safely cared for in
2 the program.

3 (b) The department shall establish standards for the program includ-
4 ing:

5 (i) physician oversight and supervision under contract with the site;

6 (ii) stabilization of behavior disturbances and the provision of
7 palliative care;

8 (iii) applicable experience of the operator and employed and contract
9 direct care staff in relation to the targeted population;

10 (iv) person-centered planning for resident care;

11 (v) staffing levels; and

12 (vi) staff education and training which shall include:

13 (A) characteristics and needs of persons with Alzheimer's disease and
14 dementia including behavioral symptoms, and mental and emotional chang-
15 es;

16 (B) assessment of care outcomes;

17 (C) appropriate activities of daily living;

18 (D) dementia related behaviors and communication limitations;

19 (E) other methods of meeting residents' needs on an individual basis;

20 (F) use and operation of environmental modifications that protect the
21 health and safety of the residents; and

22 (G) attaining professional affiliation or special qualification rele-
23 vant to serving persons with advanced needs.

24 (c) The commissioner shall report every two years to the legislature
25 on the progress of the program.

26 (d) The commissioner may submit the appropriate applications for waiv-
27 ers or state plan amendments to the federal centers for Medicare and
28 Medicaid services to secure federal Medicaid reimbursement for services
29 of the program.

30 § 2. This act shall take effect immediately.