STATE OF NEW YORK

2238

2021-2022 Regular Sessions

IN SENATE

January 20, 2021

Introduced by Sens. BROOKS, ADDABBO, BIAGGI, BOYLE, COMRIE, GAUGHRAN, HARCKHAM, KAMINSKY, KAPLAN, MAY, ORTT, RITCHIE, SALAZAR, SERRANO, THOMAS -- 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 requiring specific reserved bed days for veterans, spouses of veterans, widows of veterans, Gold Star Parents and their dependents who are cared for at the New York State Veterans' Homes

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

Section 1. Subdivision 25 of section 2808 of the public health law, as amended by section 2 of part E of chapter 57 of the laws of 2017, is amended to read as follows:

25. Reserved bed days. (a) For purposes of this subdivision, a "reserved bed day" is a day for which a governmental agency pays **or otherwise requires** a residential health care facility to reserve a bed for a person eligible for medical assistance pursuant to title eleven of article five of the social services law while he or she is **temporarily hospitalized or** on therapeutic leave of absence from the facility.

(b) Notwithstanding any other provisions of this section or any other law or regulation to the contrary, for reserved bed days provided on behalf of persons twenty-one years of age or older:

(i) payments for reserved bed days shall be made at ninety-five percent of the Medicaid rate otherwise payable to the facility for services provided on behalf of such person; and

(ii) payment to a facility for reserved bed days provided on behalf of such person for therapeutic leaves of absence may not exceed ten days in any twelve month period.

(c) Notwithstanding any other provision of this section or any other law or regulation to the contrary, with respect to veterans, spouses of veterans, widows of veterans, Gold Star Parents and their dependents who

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

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are cared for at the New York State Veterans' Home at Oxford, the New York State Veterans' Home at St. Albans, the New York State Veterans' Home at Batavia, the New York State Veterans' Home at Montrose and the Long Island State Veterans' Home such facilities shall establish a reserve bed day policy not to exceed ten days in any twelve-month period when such persons are temporarily hospitalized or on therapeutic leave of absence.

(i) In order to qualify for coverage of reserved bed days as provided in this paragraph:

(A) the person must have resided in the applicable State Veterans' Home for at least thirty days since the date of his or her initial admission; and

(B) the part of the facility to which the person will return must have a vacancy rate or no more than five percent on the first day the person is hospitalized or on therapeutic leave of absence.

(ii) Unless medically contraindicated, the applicable State Veterans' Home shall reserve the same bed and room the person occupied before being hospitalized or placed on therapeutic leave of absence.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately the addition, amendment and/or repeal of any rules and regulations necessary for the implementation of this act on or before its effective date are authorized to be made and completed on or before such effective date.