STATE OF NEW YORK

8437

IN SENATE

March 1, 2022

Introduced by Sen. REICHLIN-MELNICK -- 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 certain real property capital construction costs

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

Section 1. Paragraph (b) of subdivision 6 of section 3614 of the public health law, as amended by section 69 of part A of chapter 56 of the laws of 2013, is amended to read as follows:

(b) For purposes of this subdivision, real property capital construction costs shall only be included in rates of payment for assisted living programs if: the facility houses exclusively assisted living program beds authorized pursuant to paragraph (j) of subdivision three of section four hundred sixty-one-l of the social services law or (i) the facility is operated by a not-for-profit corporation; (ii) the facility commenced operation after nineteen hundred ninety-eight and at least ninety-five percent of the certified approved beds are provided to residents who are subject to the assisted living program; and (iii) the assisted living program is in a county with a population of no less than two hundred eighty thousand persons **or facilities issued an operating certificate beginning in the year two thousand twenty-one that are newly constructed or that have completed substantial capital improvements as defined in subdivision nine of section eleven hundred one of the tax law: (i) with a minimum cost of forty thousand dollars per bed; (ii) at least eighty-five percent filled with Medicaid eligible residents; and (iii) at least eighty-five percent of the total beds are licensed assisted living program beds**. The methodology used to calculate the rate for such capital construction costs shall be the same methodology used to calculate the capital construction costs at residential health care facilities for such costs, provided that the commissioner may adopt rules and regulations which establish a cap on real property capital construction costs for those facilities that house exclusively assisted living program beds authorized pursuant to paragraph (j) of subdivision three of section four hundred sixty-one-l of the social services law.

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

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