

STATE OF NEW YORK

2147

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the provision of end stage renal disease services

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

1 Section 1. Paragraph (a) of subdivision 15 of section 2801-a of the
2 public health law, as amended by chapter 492 of the laws of 2011, is
3 amended to read as follows:

4 (a) Diagnostic or treatment centers established exclusively to provide
5 end stage renal disease services, including an ambulatory surgery center
6 established exclusively to create and maintain vascular access necessary
7 to dialyze patients with end stage renal disease, may be operated by
8 corporations and limited liability companies formed under the laws of
9 New York whose stockholders or members, as applicable, are not natural
10 persons if such corporations and limited liability companies and its
11 principal stockholders and members, as applicable, and controlling
12 persons comply with all applicable requirements of this section and
13 demonstrate, to the satisfaction of the public health and health plan-
14 ning council, sufficient experience and expertise in delivering high
15 quality end stage renal disease care. For purposes of this subdivision,
16 the public health and health planning council shall adopt and amend
17 rules and regulations, notwithstanding any inconsistent provision of
18 this section, to address any matter it deems pertinent to the establish-
19 ment and operation of diagnostic or treatment centers pursuant to this
20 subdivision; provided that such rules and regulations shall include, but
21 not be limited to provisions governing or relating to: (i) any direct or
22 indirect changes or transfers of ownership interests or voting rights in
23 such corporations and limited liability companies or their stockholders
24 or members, as applicable, and provide for public health and health
25 planning council approval of any change in controlling interests, prin-

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

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1 cipal stockholders, principal members, controlling persons, parent
2 company or sponsors; (ii) oversight of the operator and its stockholders
3 or members, as applicable, including local governance of the diagnostic
4 or treatment centers; and (iii) relating to the character and competence
5 and qualifications of, and changes relating to, the directors, managers
6 and officers of the operator and its principal stockholders, principal
7 members, controlling persons, parent company or sponsors.

8 § 2. This act shall take effect immediately.