STATE OF NEW YORK

2213

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

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

AN ACT to amend the public health law, in relation to limitations on the processing and approval of applications seeking licensure of a licensed home care services agency

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

Section 1. Subdivisions 4 and 6 of section 3605 of the public health law, as amended by section 9-b of part B of chapter 57 of the laws of 2018, are amended to read as follows:

4. The public health and health planning council shall not approve an application for licensure unless it is satisfied as to[~~: (a) the public need for the existence of the licensed home health care service agency at the time and place and under the circumstances proposed; (b)~~] the character, competence and standing in the community of the applicant's incorporators, directors, sponsors, stockholders or operators[~~; (c) the financial resources of the proposed licensed home health care service agency and its sources of financial revenues; and (d) such other matters as it shall deem pertinent~~].

6. Neither **public need,** tax status nor profit-making status shall be criteria for licensure.

§ 2. This act shall take effect immediately.

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

LBD03766-01-3