

STATE OF NEW YORK

5790--B

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. PAULIN, SAYEGH, WEPRIN, HEVESI, GUNTHER, ZEBROW-SKI -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to quality improvement and increased consumer transparency in assisted living residences

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

1 Section 1. Subdivisions 7 and 8 of section 4656 of the public health
2 law, as added by chapter 2 of the laws of 2004, are renumbered subdivi-
3 sions 9 and 10 and two new subdivisions 7 and 8 are added to read as
4 follows:

5 7. (a) All assisted living residences, as defined in subdivision one
6 of section forty-six hundred fifty-one of this article, including those
7 licensed and certified as an assisted living residence, special needs
8 assisted living residence, or enhanced assisted living residence, shall:

9 (i) report annually on quality measures to be established by the
10 department, in consultation with industry and consumer representatives,
11 including the long-term care ombudsman or their representative, in the
12 form and format prescribed by the department, with the first report due
13 no later than January fifteenth, two thousand twenty-five; and

14 (ii) post information, including the starting monthly service rate,
15 range for starting rent, approved admission or residency agreement, and
16 a consumer-friendly summary of all service fees, through a reporting
17 system to be developed by the department, in consultation with industry
18 and consumer representatives, that takes into account differences in
19 licensure and certification, services, agreements and fee structures

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

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1 across facilities. Such information shall be posted in a conspicuous
2 place on the facility's website and in a public space within the facili-
3 ty and shall be made available to the public on forms developed by the
4 department. Beginning on October first, two thousand twenty-four, this
5 information shall also be reported to the department.

6 (b) The department shall develop a system to score the results of the
7 assisted living quality reporting obtained pursuant to paragraph (a) of
8 this subdivision, in consultation with industry and consumer represen-
9 tatives. Facilities scoring in the top quartile shall be granted the
10 classification of advanced standing on their annual surveillance sched-
11 ules.

12 (i) Notwithstanding subparagraph one of paragraph (a) of subdivision
13 two of section four hundred sixty-one-a of the social services law,
14 facilities achieving an advanced standing classification shall be
15 surveyed every eighteen months. All other facilities shall be surveyed
16 on an unannounced basis no less than annually; provided, however, that
17 this shall not apply to surveys, inspections or investigations based on
18 complaints received by the department under any other provision of law.

19 (ii) Facilities may remain on advanced standing classification
20 provided they meet the scoring requirements in assisted living quality
21 reporting and until such time when they do not meet such scoring
22 requirements.

23 (c) Effective January thirty-first, two thousand twenty-five, the
24 department shall post on its website the results of the assisted living
25 quality reporting, collected pursuant to subparagraph (i) of paragraph
26 (a) of this subdivision.

27 (d) No later than February fifteenth, two thousand twenty-five, the
28 department shall report to the legislature on the development of a qual-
29 ity scoring system for adult care facilities, including adult homes and
30 enriched housing providers. Such report shall examine the specific qual-
31 ity measures recommended and a process for information collection.

32 8. (a) Assisted living residences, as defined in subdivision one of
33 section forty-six hundred fifty-one of this article, including those
34 licensed and certified as an assisted living residence, special needs
35 assisted living residence, or enhanced assisted living residence, may
36 seek accreditation by agencies determined by the commissioner.

37 (b) Such accreditation agencies shall report data and information, in
38 a manner and form as determined by the department, pertaining to those
39 assisted living residences accredited by such agencies, and those
40 assisted living residences which obtain but lose such accreditation.

41 § 2. This act shall take effect on the thirtieth day after it shall
42 have become a law.