STATE OF NEW YORK

7035

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

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

AN ACT to amend the public health law, in relation to establishing a special needs assisted living program to serve persons with neurodegenerative diseases

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

Section 1. Section 4655 of the public health law, as added by chapter 2 of the laws of 2004, is amended by adding a new subdivision 7 to read as follows:

7. (a) The department shall establish a special needs assisted living program to serve persons with neurodegenerative diseases (such as dementia or Parkinson's disease) with behavior disturbances, as defined by the diagnostic and statistical manual of mental disorders or the international classifications of diseases.

(i) Such program will be limited to no more than ten sites, each limited to no more than ten residential beds and in addition may include two respite beds.

(ii) There shall be no more than five residents per site upon admission, who are in need of twenty-four-hour skilled nursing care or medical care which would otherwise require placement in a hospital or nursing home.

(iii) All residents must have been declined admission or readmission by a nursing home or be an admission requested by a lawful representative of the resident. In addition, a physician or nurse practitioner must certify that the prospective resident can be safely cared for in the program.

(b) The department shall establish standards for the program including:

(i) physician oversight and supervision under contract with the site;

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

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(ii) stabilization of behavior disturbances and the provision of palliative care;

(iii) applicable experience of the operator and employed and contract direct care staff in relation to the targeted population;

(iv) person-centered planning for resident care;

(v) staffing levels; and

(vi) staff education and training which shall include:

(A) characteristics and needs of persons with Alzheimer's disease and dementia including behavioral symptoms, and mental and emotional changes;

(B) assessment of care outcomes;

(C) appropriate activities of daily living;

(D) dementia related behaviors and communication limitations;

(E) other methods of meeting residents' needs on an individual basis;

(F) use and operation of environmental modifications that protect the health and safety of the residents; and

(G) attaining professional affiliation or special qualification relevant to serving persons with advanced needs.

(c) The commissioner shall report every two years to the legislature on the progress of the program.

(d) The commissioner may submit the appropriate applications for waivers or state plan amendments to the federal centers for Medicare and Medicaid services to secure federal Medicaid reimbursement for services of the program.

§ 2. This act shall take effect immediately.