

# 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:

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

4 7. (a) The department shall establish a special needs assisted living  
5 program to serve persons with neurodegenerative diseases (such as demen-  
6 tia or Parkinson's disease) with behavior disturbances, as defined by  
7 the diagnostic and statistical manual of mental disorders or the inter-  
8 national classifications of diseases.

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

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

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

21 (b) The department shall establish standards for the program includ-  
22 ing:

23 (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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1 (ii) stabilization of behavior disturbances and the provision of  
2 palliative care;

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

5 (iv) person-centered planning for resident care;

6 (v) staffing levels; and

7 (vi) staff education and training which shall include:

8 (A) characteristics and needs of persons with Alzheimer's disease and  
9 dementia including behavioral symptoms, and mental and emotional chang-  
10 es;

11 (B) assessment of care outcomes;

12 (C) appropriate activities of daily living;

13 (D) dementia related behaviors and communication limitations;

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

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

17 (G) attaining professional affiliation or special qualification rele-  
18 vant to serving persons with advanced needs.

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

21 (d) The commissioner may submit the appropriate applications for waiv-  
22 ers or state plan amendments to the federal centers for Medicare and  
23 Medicaid services to secure federal Medicaid reimbursement for services  
24 of the program.

25 § 2. This act shall take effect immediately.