STATE OF NEW YORK

7546

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT in relation to requiring the commissioner of health to develop a sustainability plan for the state university of New York downstate medical center

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

Section 1. Legislative intent. The legislature hereby finds and declares that the state university downstate medical center is a vital component of our state's health care system. As one of three state hospitals and the only state hospital in the city of New York, it is incumbent upon the state to ensure that this hospital remains fiscally viable to continue to provide the health care services that the residents of central Brooklyn deserve and depend on. The state university downstate medical center is one of the state's largest safety-net hospitals, which cares for all patients, regardless of their ability to pay. It predominantly serves people of color, low income, uninsured, underinsured, undocumented and at-risk individuals who have limited access to affordable health care and who are more prone to suffer from serious disease and face higher morbidity rates than other patients across our city and state. Last year, the hospital had over three hundred thousand outpatient visits and has an average of fourteen thousand inpatients each year. It also provides seven thousand four hundred free health screenings a year and sponsors over one hundred community service projects annually.

The legislature further finds that at the height of the pandemic, when the city of New York was at the epicenter, the state university downstate medical center stepped up as a COVID-only hospital and provided life-saving care to the sickest New Yorkers without any state funding support. Serving COVID-only patients exacerbated the existing untenable financial situation of the hospital, which in large part, is due to

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

LBD11427-01-3

years of state financial neglect and unequitable treatment. Provided further, the state university downstate medical center is a major part of the Brooklyn economy and is one of the ten largest employers in Brooklyn, providing employment to four thousand two hundred people. It's also responsible for nearly nine hundred million dollars in economic activity, generating nearly two hundred million dollars in tax revenue. The hospital is the heart of central Brooklyn and has the largest medical school in New York city, which offers training in fifty-six specialties across five schools and colleges and annually educates and trains nearly one thousand nine hundred students. The medical school student population is made up of nearly sixty percent students of color, produces the most physicians of color in the state of New York, and nearly seventy percent of two thousand twenty-two graduates remained in New York for their residency. This institution is an essential part in producing the next generation of health care professionals, which are desperately needed to sustain our state health care system.

The legislature further finds that the continued operation of the state university downstate medical center is vital and necessary, and the state should develop a plan to ensure its future sustainability and shall provide state funding and other resources necessary to implement and execute such plan.

§ 2. The commissioner of health, in consultation with the chancellor of the state university of New York and the employee organizations representing employees at the state university of New York pursuant to article 14 of the civil service law, shall develop a sustainability plan for the state university of New York downstate medical center as established pursuant to section 352 of the education law to ensure the hospital's continued operation in serving the public health care needs of the Brooklyn community. Such plan shall maintain the state university downstate medical center as a public state-operated hospital, staffed with public employees within and under the appointing authority of the state university of New York. In developing such sustainability plan, the commissioner shall examine the state university downstate medical center's finances, management operations, billing practices, current health care services and delivery model, and any other records, metrics, or aspects of the hospital the commissioner deems necessary and appropriate to adequately assess their direct or indirect effects on the financial health and viability of the hospital and to determine what modifications are needed to make the state university downstate medical center financially sustainable. In assessing the financial health and viability of the state university downstate medical center, the commissioner shall also examine patient mix demographics, including but not limited to, the financial challenges posed by the provision of safety net services to low income, uninsured, underinsured, undocumented and at-risk individuals. The commissioner shall also assess the current and potential economic impact of the state university downstate medical center in Brooklyn and identify any new potential health care service areas not currently being provided at the state university downstate medical center, which if provided, would better serve patients and help ameliorate the hospital's current and future financial situation. Provided further, the commissioner shall also identify current gaps in health care services throughout Brooklyn, especially for low income, uninsured, underinsured, undocumented and at-risk individuals and determine whether providing such health care services at the state university downstate medical center would be beneficial to the future financial sustainability of the hospital. In making such determination, the

commissioner shall delineate any costs associated with the hospital providing such services, including but not limited to, personal service costs, costs for equipment, management costs and capital funding needs. Provided further, in identifying gaps in current health care services, the commissioner shall examine, among other health care services, the feasibility and public health value of establishing and operating a center for maternal and children's health services at the state university downstate medical center to address high rates of maternal morbidity in Brooklyn and shall delineate all projected costs associated with the establishment and operation of such center.

The commissioner shall also determine what capital project improvements are required at the state university downstate medical center to enable the hospital to adequately meet current and future health care service needs identified as part of the sustainability plan. The commissioner shall also provide an analysis of current emergency room operations as part of such sustainability plan, which shall include, but shall not be limited to, patient care and service capacity as well as improvements needed to adequately address patient service demands and the technology, equipment and capital infrastructure improvements that are required to improve patient services and to improve the financial position of the hospital.

The commissioner shall submit such sustainability plan to the governor, the temporary president of the senate and the speaker of the assembly by December 31, 2023. The sustainability plan shall serve to inform the governor in preparation of the 2024-25 executive budget submission.

§ 3. Notwithstanding any provision of law to the contrary, all rights and benefits, including terms and conditions of employment and protection of civil service and collective bargaining status of all existing public employees shall be preserved and protected. Nothing in the sustainability plan required by this act or any provision of this act shall limit the rights of employees pursuant to a collective bargaining agreement or alter the existing representational relationships among collective bargaining representatives or the bargaining relationships between the state university downstate medical center and any employee organization. Employees of the state university downstate medical center serving in any new positions or titles resulting from the implementation of the commissioner's sustainability plan, or any part thereof, pursuant to this act shall be assigned to the appropriate existing bargaining units. Prior to the implementation of such sustainability plan, or any part thereof, developed by the commissioner pursuant to this act, the state university of New York shall inform affected employee organizations of any potential impact on its members or collective bargaining unit as a result of such implementation.

§ 4. This act shall take effect immediately.