STATE OF NEW YORK

8944

IN ASSEMBLY

January 30, 2024

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

AN ACT to amend the public health law, in relation to providing a waiver for the nursing home occupancy calculation for certain years

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

Section 1. Subdivision 22-a of section 2808 of the public health law is amended by adding two new paragraphs (e) and (f) to read as follows:

(e) Notwithstanding any inconsistent provisions of law or regulation to the contrary, the provisions of paragraphs (c) and (d) of this subdivision shall not apply where a state disaster emergency, as defined in section twenty of the executive law, affecting the occupancy of such program, occurs within such two year period.

(f) Notwithstanding any inconsistent provisions of law or regulation to the contrary, a failure to achieve ninety percent occupancy during the period from January first, two thousand twenty to December thirty-first, two thousand twenty-one, shall not reduce the reimbursement rate for any residential health care facility.

§ 2. This act shall take effect immediately.

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

LBD14050-03-4