STATE OF NEW YORK

9819

IN ASSEMBLY

April 9, 2024

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

AN ACT to amend the public health law, in relation to instituting a moratorium on the closure of hospitals until the department of health completes a comprehensive analysis of the impact of such closures on healthcare access in New York state

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

Section 1. Short title. This act shall be known and may be cited as the "2024 hospital closure moratorium act".

§ 2. Legislative findings and declaration of emergency. The legislature hereby finds and declares all of the following:

1. The serious public emergency regarding hospital closures across New York state continues to exist, and this emergency puts individuals at a heightened risk of death, illness, and economic hardship. These closures impact both public and private healthcare facilities, full-service hospitals, and critical care units.

2. The legislature therefore finds and declares that in order to prevent death, hardship, and other negative health outcomes to New York state residents, the provisions of this act are necessary to protect public health, safety, and general welfare. The necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

§ 3. The public health law is amended by adding a new section 2831 to read as follows:

§ 2831. Hospital closure moratorium. 1. For purposes of this section, "healthcare facility" shall mean hospitals and other healthcare centers providing emergency services, intensive care services, cardiac and stroke services, maternity services, cancer treatment services, psychiatric emergency services, gender identity services, urgent care services and pediatric services.

2. Notwithstanding any provision of law, rule or regulation to the contrary, the state shall institute a moratorium on the closure of hospitals until the department completes a statewide report examining

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

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the aggregate impact of such closures on healthcare access in New York state. During such moratorium, no hospital shall close or reduce capacity below the hospital's capacity as of the date the moratorium was imposed unless the department requests an exemption for the healthcare facility and said exemption is approved by the legislature.

3. The report shall collect data including but not limited to:

(a) statewide data on:

(i) the number of healthcare facilities in each county;

(ii) the average number of total and available hospital beds in each county;

(iii) the average number of medicare and Medicaid recipients, and the percentage of insured and uninsured patients served, by county;

(iv) the number of medicare and Medicaid recipients, and the percentage of insured and uninsured patients served, by county;

(v) historical and projected market shares of all hospital networks and healthcare service providers in New York state; and

(vi) the median distance between healthcare facilities that provide similar services; and

(b) data by healthcare facilities on:

(i) the race, sex, gender, age, economic status, and disability status of patients served by each healthcare facility;

(ii) the number of medicare and Medicaid recipients, and the percentage of insured and uninsured patients served;

(iii) the number of physicians and professional staff employed at the healthcare facility; and

(iv) access to the healthcare facility by public or private transportation, including transportation sponsored by the healthcare facility itself.

4. In completing this report, the department shall meaningfully engage public health experts, labor representatives of the hospital workforce, community leaders and residents of New York state. The findings of such report shall be provided in electronic format and shall be distributed to the temporary president and minority leader of the senate, the speaker and minority leader of the assembly, the chair of the senate standing committee on health, and the chair of the assembly health committee. The department shall publicly post the report on the department's website within one week of the filing.

5. The report shall use the data collected to define and identify areas at risk of future hospital closures. These areas shall be designated "distressed healthcare zones". The department shall reject applications for closures issued by healthcare facilities in any distressed healthcare zone. Distressed healthcare zones shall be prioritized when allocating healthcare spending.

§ 4. This act shall take effect immediately. The commissioner of health and the public health and health planning council shall make regulations and take other actions reasonably necessary to implement this act.