

# STATE OF NEW YORK

323

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to aiding in the  
transition to adulthood for children with medical fragility living in  
pediatric nursing homes and other settings

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

1 Section 1. The public health law is amended by adding a new section  
2 2808-f to read as follows:

3 § 2808-f. Residential health care for children with medical fragility  
4 in transition to young adults and young adults with medical fragility.

5 1. For purposes of this section:

6 (a) "children with medical fragility" shall mean children up to twen-  
7 ty-one years of age who have a chronic debilitating condition or condi-  
8 tions, are at risk of hospitalization, are technology-dependent for life  
9 or health sustaining functions, require complex medication regimens or  
10 medical interventions to maintain or to improve their health status,  
11 and/or are in need of ongoing assessment or intervention to prevent  
12 serious deterioration of their health status or medical complications  
13 that place their life, health or development at risk.

14 (b) "young adults with medical fragility" shall mean individuals who  
15 meet the definition of children with medical fragility, but for the fact  
16 such individuals are aged twenty-one years or older.

17 (c) "pediatric residential health care facility" shall mean a free-  
18 standing facility or discrete unit within a facility authorized by the  
19 commissioner to provide extensive nursing, medical, psychological and  
20 counseling support services solely to children.

21 2. Notwithstanding any law, rule or regulation to the contrary, any  
22 child with medical fragility who has resided for at least thirty consec-  
23 utive days in a pediatric residential health care facility and who has  
24 reached the age of twenty-one while a resident, may continue residing at  
25 such pediatric facility and receiving such services from the facility.

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

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1 provided that such young adult with medical fragility remains eligible  
2 for nursing home care.

3 3. The commissioner is authorized to establish, with the written  
4 approval of the public health and health planning council pursuant to  
5 section twenty-eight hundred one-a of this article, one or more new  
6 residential health care facilities for the provision of nursing,  
7 medical, psychological and counseling support services appropriate to  
8 the needs of nursing home-eligible young adults with medical fragility,  
9 referred to herein below as a young adult facility, which such young  
10 adult facility may be proposed by an established or proposed operator of  
11 a pediatric residential health care facility or a discrete unit within  
12 an established nursing home in good standing.

13 4. A young adult facility established pursuant to subdivision three of  
14 this section may admit, from the community-at-large or upon referral  
15 from an unrelated facility, young adults with medical fragility who  
16 prior to reaching age twenty-one were children with medical fragility,  
17 and who are eligible for nursing home care and in need of extensive  
18 nursing, medical, psychological and counseling support services,  
19 provided that the young adult facility, to promote continuity of care,  
20 undertakes to provide priority admission to young adults with medical  
21 fragility transitioning from the pediatric residential health care  
22 facility operated by the entity that proposed the young adult facility  
23 and ensure sufficient capacity to admit such young adults as they  
24 approach or attain twenty-one years of age.

25 5. (a) For inpatient services provided to any young adults with  
26 medical fragility eligible for medical assistance pursuant to title  
27 eleven of article five of the social services law residing at any pedia-  
28 tric residential health care facility as authorized in subdivision two  
29 of this section, the commissioner shall reimburse such pediatric facili-  
30 ty at the same rates of reimbursement approved by the commissioner for  
31 children with medical fragility residing at said pediatric residential  
32 health care facility pursuant to section twenty-eight hundred eight of  
33 this article.

34 (b) For inpatient services provided to any young adults with medical  
35 fragility eligible for medical assistance pursuant to title eleven of  
36 article five of the social services law at any young adult facility as  
37 authorized in subdivision three of this section, the commissioner shall  
38 establish the operating component of rates of reimbursement utilizing  
39 the same methodology used to establish the operating component of the  
40 rates pursuant to section twenty-eight hundred eight of this article for  
41 the free-standing pediatric residential health care facility described  
42 in subdivision three of this section, subject to adjustment as appropri-  
43 ate to account for any discrete expenses associated with caring for  
44 young adults with medical fragility, including addressing their distinct  
45 needs as young adults for psychological and counseling support services.

46 6. Subject to the foregoing, all other laws and regulations that apply  
47 to pediatric residential health care facilities, including exemptions  
48 from laws and regulations otherwise applicable to other residential  
49 health care facilities, shall also apply to any pediatric residential  
50 health care facility authorized in subdivision two of this section to  
51 provide inpatient services to young adults with medical fragility and to  
52 any young adult facility established pursuant to subdivision three of  
53 this section, and to any inpatient services provided by either such  
54 facility.

1     § 2. This act shall take effect on the same date as the repeal of  
2     section 2808-e of the public health law as provided in section 3 of part  
3     MM of chapter 57 of the laws of 2021, as amended.