

STATE OF NEW YORK

7248--A

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sens. COONEY, ASHBY, CLEARE, GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to certain rates of payment for services provided by assisted living programs

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

1 Section 1. Paragraph (a) of subdivision 6 of section 3614 of the
2 public health law, as amended by section 4-a of part D of chapter 56 of
3 the laws of 2012, is amended to read as follows:
4 (a) The commissioner shall, subject to the approval of the state
5 director of the budget, establish capitated rates of payment for
6 services provided by assisted living programs as defined by paragraph
7 (a) of subdivision one of section four hundred sixty-one-1 of the social
8 services law. Such rates of payment shall be related to costs incurred
9 by residential health care facilities. The rates shall reflect the wage
10 equalization factor established by the commissioner for residential
11 health care facilities in the region in which the assisted living
12 program is provided and real property capital construction costs associ-
13 ated with the construction of a free-standing assisted living program
14 such rate shall include a payment equal to the cost of interest owed and
15 depreciation costs of such construction. The rates shall also reflect
16 the efficient provision of a quality and quantity of services to
17 patients in such residential health care facilities, with needs compara-
18 ble to the needs of residents served in such assisted living programs.
19 Such rates of payment shall be equal to fifty percent of the amounts
20 which otherwise would have been expended, based upon the [~~mean prices~~
21 ~~costs~~ for [~~the first of July, nineteen hundred ninety-two (utilizing~~
22 ~~nineteen hundred eighty-three costs)~~] two thousand twenty-three for

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

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1 freestanding[~~7, low intensity~~] residential health care facilities with
2 less than three hundred beds[~~7, and for years subsequent to nineteen~~
3 ~~hundred ninety two~~], adjusted for inflation in accordance with the
4 provisions of subdivision ten of section twenty-eight hundred seven-c of
5 this chapter, to provide the appropriate level of care for such resi-
6 dents in residential health care facilities in the applicable wage
7 equalization factor regions plus an amount equal to capital construction
8 costs associated with the construction of an assisted living program
9 facility as provided for in this subdivision. Such rates of payment
10 shall be updated to reflect the most current mean price for free-stand-
11 ing residential health care facilities with less than three hundred beds
12 each time that the cost basis of residential health care facility rates
13 is updated. The commissioner shall also promulgate regulations, and may
14 promulgate emergency regulations, to provide for reimbursement of the
15 cost of preadmission assessments conducted directly by assisted living
16 programs.

17 § 2. This act shall take effect April 1, 2025.