

STATE OF NEW YORK

8865

IN SENATE

March 22, 2024

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the public health law, in relation to quality improvement and increased consumer transparency in assisted living residences

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

Section 1. Subdivisions 7 and 8 of section 4656 of the public health law, as added by chapter 2 of the laws of 2004, are renumbered subdivisions 9 and 10 and two new subdivisions 7 and 8 are added to read as follows:

7. (a) All assisted living residences, as defined in subdivision one of section forty-six hundred fifty-one of this article, including those licensed and certified as an assisted living residence, special needs assisted living residence, or enhanced assisted living residence, shall:

(i) report annually on quality measures to be established by the department, in consultation with industry and consumer representatives, including the long-term care ombudsman or their representative, in the form and format prescribed by the department, with the first report due no later than January fifteenth, two thousand twenty-five; and

(ii) post information, including the starting monthly service rate, range for starting rent, approved admission or residency agreement, and a consumer-friendly summary of all service fees, through a reporting system to be developed by the department, in consultation with industry and consumer representatives, that takes into account differences in licensure and certification, services, agreements and fee structures across facilities. Such information shall be posted in a conspicuous place on the facility's website and in a public space within the facility and shall be made available to the public on forms developed by the department. Beginning on October first, two thousand twenty-four, this information shall also be reported to the department.

(b) The department shall develop a system to score the results of the assisted living quality reporting obtained pursuant to paragraph (a) of this subdivision, in consultation with industry and consumer represen-

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

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1 tatives. Facilities scoring in the top quartile shall be granted the
2 classification of advanced standing on their annual surveillance sched-
3 ules.

4 (i) Notwithstanding subparagraph one of paragraph (a) of subdivision
5 two of section four hundred sixty-one-a of the social services law,
6 facilities achieving an advanced standing classification shall be
7 surveyed every eighteen months. All other facilities shall be surveyed
8 on an unannounced basis no less than annually; provided, however, that
9 this shall not apply to surveys, inspections or investigations based on
10 complaints received by the department under any other provision of law.

11 (ii) Facilities may remain on advanced standing classification
12 provided they meet the scoring requirements in assisted living quality
13 reporting and until such time when they do not meet such scoring
14 requirements.

15 (c) Effective January thirty-first, two thousand twenty-five, the
16 department shall post on its website the results of the assisted living
17 quality reporting, collected pursuant to subparagraph (i) of paragraph
18 (a) of this subdivision.

19 (d) No later than February fifteenth, two thousand twenty-five, the
20 department shall report to the legislature on the development of a qual-
21 ity scoring system for adult care facilities, including adult homes and
22 enriched housing providers. Such report shall examine the specific qual-
23 ity measures recommended and a process for information collection.

24 8. (a) Assisted living residences, as defined in subdivision one of
25 section forty-six hundred fifty-one of this article, including those
26 licensed and certified as an assisted living residence, special needs
27 assisted living residence, or enhanced assisted living residence, may
28 seek accreditation by agencies determined by the commissioner.

29 (b) Such accreditation agencies shall report data and information, in
30 a manner and form as determined by the department, pertaining to those
31 assisted living residences accredited by such agencies, and those
32 assisted living residences which obtain but lose such accreditation.

33 § 2. This act shall take effect on the thirtieth day after it shall
34 have become a law.