

# STATE OF NEW YORK

9519--A

## IN SENATE

May 16, 2024

Introduced by Sens. SCARCELLA-SPANTON, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to establishing an advanced residential health care for aging adults with medical fragility demonstration program

The People of the State of New York, represented in Senate and Assembly, 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. Advanced residential health care for aging adults medical  
4 fragility demonstration program. 1. Notwithstanding any law, rule, or  
5 regulation to the contrary, the commissioner shall, within amounts  
6 appropriated and subject to the availability of federal financial  
7 participation, establish a demonstration program for eligible adult  
8 residential health care facilities, as defined in paragraph (c) of  
9 subdivision two of this section, to construct a new facility or repur-  
10 pose part of an existing facility to operate as an adult residential  
11 health care facility for the purpose of improving the quality of care  
12 for aging adults with medical fragility.

13 2. For purposes of this section:

14 (a) "Aging adults with medical fragility" shall mean adults from age  
15 thirty-five to end of life who have a chronic debilitating condition or  
16 conditions, are at risk of hospitalization, are technology-dependent for  
17 life or health sustaining functions, require complex medication regimens  
18 or medical interventions to maintain or to improve their health status,  
19 and/or are in need of ongoing assessment or intervention to prevent  
20 serious deterioration of their health status or medical complications  
21 that place their life, health or development at risk.

22 (b) "Adult residential health care facility" shall mean a residential  
23 health care facility or discrete unit of a residential health care  
24 facility providing services to adults over the age of thirty-five.

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

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1 (c) "Eligible adult residential health care applicant" shall mean  
2 adult health care facilities that meet the following eligibility crite-  
3 ria for the demonstration program set forth in subdivision one of this  
4 section: (i) is a nonprofit corporation that operates one hundred ten  
5 adult beds licensed under article sixteen of this chapter; or (ii) is  
6 licensed to provide diagnostic and treatment services pursuant to this  
7 article.

8 3. Upon receipt of a certificate of need application from an eligible  
9 adult residential health care applicant selected by the commissioner for  
10 the demonstration program authorized under this section, the commission-  
11 er is authorized to approve, with the written approval of the public  
12 health and health planning council pursuant to section twenty-eight  
13 hundred two of this article, the construction of a new residential  
14 health care facility to be constructed and operated on a parcel of land  
15 within the same county as that of an eligible adult residential health  
16 care applicant that is proposing such new facility and over which it  
17 will have site control, provided that such facility qualifies for the  
18 demonstration program set forth in subdivision one of this section.

19 4. An aging adult facility established pursuant to subdivision three  
20 of this section may admit, from the community-at-large or upon referral  
21 from an unrelated facility, aging adults with medical fragility who,  
22 prior to reaching age thirty-five, were young adults with medical  
23 fragility, and who are eligible for nursing home care and in need of  
24 extensive nursing, medical, psychological and counseling support  
25 services, provided that the aging adult facility, to promote continuity  
26 of care, undertakes to provide priority admission to aging adults with  
27 medical fragility transitioning from the pediatric residential health  
28 care facility or unit operated by the entity that proposed the aging  
29 adult facility and ensure sufficient capacity to admit such adults as  
30 they attain thirty-five years of age.

31 5. For inpatient services provided to any aging adults with medical  
32 fragility eligible for medical assistance as authorized in subdivision  
33 three of this section, the commissioner shall establish the operating  
34 component of rates of reimbursement appropriate for aging adults with  
35 medical fragility residing at an adult residential health care facility,  
36 to apply to such adults thirty-five years of age or older. Such method-  
37 ology shall take into account the methodology used to establish the  
38 operating component of the rates pursuant to section twenty-eight  
39 hundred eight of this article for adult residential health care facili-  
40 ties with an increase or decrease adjustment as appropriate to account  
41 for any discrete expenses associated with caring for aging adults with  
42 medical fragility, including addressing their distinct needs as aging  
43 adults for medical and psychological support services.

44 § 2. This act shall take effect immediately.