

STATE OF NEW YORK

10189--A

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gunther) --
read once and referred 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 fragil-
ity demonstration program

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. 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 6. The commissioner shall have authority to waive any rule or regu-
45 lation to effectuate the demonstration program authorized pursuant to
46 subdivision one of this section.

47 § 2. This act shall take effect immediately.