STATE OF NEW YORK

5790

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

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 her/his 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-three, this information shall also be reported to the department.

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

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(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 representatives. Facilities scoring in the top quartile shall be granted the classification of advanced standing on their annual surveillance schedules.

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

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

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

(d) The commissioner shall promulgate regulations to effectuate all the provisions in this subdivision.

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

8. (a) 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, may seek accreditation by agencies determined by the commissioner.

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

(c) Assisted living residences which have obtained accreditation from an accreditation organization approved by the department and which meet eligibility criteria, as determined by the department, may, at the discretion of the commissioner, be exempt from department inspection required in this subdivision for the duration they maintain their accreditation in good standing. The operator of an assisted living residence that obtains but subsequently loses accreditation shall report such loss to the department within ten business days in a manner and form determined by the department and will no longer be exempt from the department inspection required in this subdivision. The department shall post on its website a list of all accredited assisted living residences.

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