

STATE OF NEW YORK

7546

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

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

AN ACT in relation to requiring the commissioner of health to develop a
sustainability plan for the state university of New York downstate
medical center

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

1 Section 1. Legislative intent. The legislature hereby finds and
2 declares that the state university downstate medical center is a vital
3 component of our state's health care system. As one of three state
4 hospitals and the only state hospital in the city of New York, it is
5 incumbent upon the state to ensure that this hospital remains fiscally
6 viable to continue to provide the health care services that the resi-
7 dents of central Brooklyn deserve and depend on. The state university
8 downstate medical center is one of the state's largest safety-net hospi-
9 tals, which cares for all patients, regardless of their ability to pay.
10 It predominantly serves people of color, low income, uninsured, underin-
11 sured, undocumented and at-risk individuals who have limited access to
12 affordable health care and who are more prone to suffer from serious
13 disease and face higher morbidity rates than other patients across our
14 city and state. Last year, the hospital had over three hundred thousand
15 outpatient visits and has an average of fourteen thousand inpatients
16 each year. It also provides seven thousand four hundred free health
17 screenings a year and sponsors over one hundred community service
18 projects annually.

19 The legislature further finds that at the height of the pandemic, when
20 the city of New York was at the epicenter, the state university down-
21 state medical center stepped up as a COVID-only hospital and provided
22 life-saving care to the sickest New Yorkers without any state funding
23 support. Serving COVID-only patients exacerbated the existing untenable
24 financial situation of the hospital, which in large part, is due to

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

LBD11427-01-3

1 years of state financial neglect and unequitable treatment. Provided
2 further, the state university downstate medical center is a major part
3 of the Brooklyn economy and is one of the ten largest employers in
4 Brooklyn, providing employment to four thousand two hundred people. It's
5 also responsible for nearly nine hundred million dollars in economic
6 activity, generating nearly two hundred million dollars in tax revenue.
7 The hospital is the heart of central Brooklyn and has the largest
8 medical school in New York city, which offers training in fifty-six
9 specialties across five schools and colleges and annually educates and
10 trains nearly one thousand nine hundred students. The medical school
11 student population is made up of nearly sixty percent students of color,
12 produces the most physicians of color in the state of New York, and
13 nearly seventy percent of two thousand twenty-two graduates remained in
14 New York for their residency. This institution is an essential part in
15 producing the next generation of health care professionals, which are
16 desperately needed to sustain our state health care system.

17 The legislature further finds that the continued operation of the
18 state university downstate medical center is vital and necessary, and
19 the state should develop a plan to ensure its future sustainability and
20 shall provide state funding and other resources necessary to implement
21 and execute such plan.

22 § 2. The commissioner of health, in consultation with the chancellor
23 of the state university of New York and the employee organizations
24 representing employees at the state university of New York pursuant to
25 article 14 of the civil service law, shall develop a sustainability plan
26 for the state university of New York downstate medical center as estab-
27 lished pursuant to section 352 of the education law to ensure the hospi-
28 tal's continued operation in serving the public health care needs of the
29 Brooklyn community. Such plan shall maintain the state university down-
30 state medical center as a public state-operated hospital, staffed with
31 public employees within and under the appointing authority of the state
32 university of New York. In developing such sustainability plan, the
33 commissioner shall examine the state university downstate medical
34 center's finances, management operations, billing practices, current
35 health care services and delivery model, and any other records, metrics,
36 or aspects of the hospital the commissioner deems necessary and appro-
37 priate to adequately assess their direct or indirect effects on the
38 financial health and viability of the hospital and to determine what
39 modifications are needed to make the state university downstate medical
40 center financially sustainable. In assessing the financial health and
41 viability of the state university downstate medical center, the commis-
42 sioner shall also examine patient mix demographics, including but not
43 limited to, the financial challenges posed by the provision of safety
44 net services to low income, uninsured, underinsured, undocumented and
45 at-risk individuals. The commissioner shall also assess the current and
46 potential economic impact of the state university downstate medical
47 center in Brooklyn and identify any new potential health care service
48 areas not currently being provided at the state university downstate
49 medical center, which if provided, would better serve patients and help
50 ameliorate the hospital's current and future financial situation.
51 Provided further, the commissioner shall also identify current gaps in
52 health care services throughout Brooklyn, especially for low income,
53 uninsured, underinsured, undocumented and at-risk individuals and deter-
54 mine whether providing such health care services at the state university
55 downstate medical center would be beneficial to the future financial
56 sustainability of the hospital. In making such determination, the

1 commissioner shall delineate any costs associated with the hospital
2 providing such services, including but not limited to, personal service
3 costs, costs for equipment, management costs and capital funding needs.
4 Provided further, in identifying gaps in current health care services,
5 the commissioner shall examine, among other health care services, the
6 feasibility and public health value of establishing and operating a
7 center for maternal and children's health services at the state univer-
8 sity downstate medical center to address high rates of maternal morbidi-
9 ty in Brooklyn and shall delineate all projected costs associated with
10 the establishment and operation of such center.

11 The commissioner shall also determine what capital project improve-
12 ments are required at the state university downstate medical center to
13 enable the hospital to adequately meet current and future health care
14 service needs identified as part of the sustainability plan. The commis-
15 sioner shall also provide an analysis of current emergency room oper-
16 ations as part of such sustainability plan, which shall include, but
17 shall not be limited to, patient care and service capacity as well as
18 improvements needed to adequately address patient service demands and
19 the technology, equipment and capital infrastructure improvements that
20 are required to improve patient services and to improve the financial
21 position of the hospital.

22 The commissioner shall submit such sustainability plan to the gover-
23 nor, the temporary president of the senate and the speaker of the assem-
24 bly by December 31, 2023. The sustainability plan shall serve to inform
25 the governor in preparation of the 2024-25 executive budget submission.

26 § 3. Notwithstanding any provision of law to the contrary, all rights
27 and benefits, including terms and conditions of employment and
28 protection of civil service and collective bargaining status of all
29 existing public employees shall be preserved and protected. Nothing in
30 the sustainability plan required by this act or any provision of this
31 act shall limit the rights of employees pursuant to a collective
32 bargaining agreement or alter the existing representational relation-
33 ships among collective bargaining representatives or the bargaining
34 relationships between the state university downstate medical center and
35 any employee organization. Employees of the state university downstate
36 medical center serving in any new positions or titles resulting from the
37 implementation of the commissioner's sustainability plan, or any part
38 thereof, pursuant to this act shall be assigned to the appropriate
39 existing bargaining units. Prior to the implementation of such sustain-
40 ability plan, or any part thereof, developed by the commissioner pursu-
41 ant to this act, the state university of New York shall inform affected
42 employee organizations of any potential impact on its members or collec-
43 tive bargaining unit as a result of such implementation.

44 § 4. This act shall take effect immediately.