

# STATE OF NEW YORK

8944

## IN ASSEMBLY

January 30, 2024

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

AN ACT to amend the public health law, in relation to providing a waiver for the nursing home occupancy calculation for certain years

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

1 Section 1. Subdivision 22-a of section 2808 of the public health law  
2 is amended by adding two new paragraphs (e) and (f) to read as follows:

3 (e) Notwithstanding any inconsistent provisions of law or regulation  
4 to the contrary, the provisions of paragraphs (c) and (d) of this subdi-  
5 vision shall not apply where a state disaster emergency, as defined in  
6 section twenty of the executive law, affecting the occupancy of such  
7 program, occurs within such two year period.

8 (f) Notwithstanding any inconsistent provisions of law or regulation  
9 to the contrary, a failure to achieve ninety percent occupancy during  
10 the period from January first, two thousand twenty to December thirty-  
11 first, two thousand twenty-one, shall not reduce the reimbursement rate  
12 for any residential health care facility.

13 § 2. This act shall take effect immediately.

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

LBD14050-03-4