

STATE OF NEW YORK

9204

IN ASSEMBLY

February 16, 2024

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 the hospital-home care-physician collaboration program

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

1 Section 1. Legislative intent. The legislature recognizes and reiter-
2 ates that the intent of section 2805-x of the public health law is to
3 establish a framework to support voluntary initiatives that improve
4 patient care access and management. The statute authorizes the waiver of
5 regulations by the commissioner of health in order to accomplish the
6 purposes of the approved initiatives. However, the statute was never
7 intended to allow the waiver of statutory obligations, including statu-
8 tory obligations related to the certificate of need process. Similarly,
9 the statute was not intended to allow the approval of projects without
10 public notice that would otherwise be required, as notification and the
11 opportunity to offer comments on proposed projects are critical elements
12 in determining the worthiness of any application claiming to meet an
13 unmet or new need. Accordingly, the intent of this act is to ensure
14 public notice and opportunity to comment on projects to be approved
15 under public health law section 2805-x prior to approval, and to clarify
16 that statutory certificate of need obligations continue to apply to such
17 projects.

18 § 2. Subdivision 3 of section 2805-x of the public health law, as
19 added by section 48 of part B of chapter 57 of the laws of 2015, is
20 amended to read as follows:

21 3. (a) The commissioner is authorized to provide financing including,
22 but not limited to, grants or positive adjustments in medical assistance
23 rates or premium payments, to the extent of funds available and allo-
24 cated or appropriated therefor, including funds provided to the state
25 through federal waivers, funds made available through state appropri-
26 ations and/or funding through section twenty-eight hundred seven-v of
27 this article, as well as waivers of regulations under title ten of the

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

LBD14436-01-4

1 New York codes, rules and regulations, to support the voluntary initi-
2 atives and objectives of this section.

3 (b) No application for a waiver of any regulation under title ten of
4 the New York codes, rules and regulations shall be approved by the
5 commissioner unless, prior to being approved, notice of such application
6 shall be submitted to the secretary of state for publication in the
7 state register, and the public shall be afforded an opportunity to
8 submit comments on the application, at least sixty days prior to such
9 approval, consistent with section two hundred two of the state adminis-
10 trative procedure act.

11 (c) In no event shall any waiver of a regulation under title ten of
12 the New York codes, rules and regulations include the waiver of an
13 applicant's obligation to meet public need, character and competence, or
14 financial feasibility requirements pursuant to sections twenty-eight
15 hundred one-a, thirty-six hundred six or four thousand four of this
16 chapter.

17 § 3. This act shall take effect immediately.