STATE OF NEW YORK

2161--A

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. RIVERA, FERNANDEZ, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- 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 a special needs assisted living program to serve persons with neurodegenerative diseases

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

Section 1. Section 4655 of the public health law, as added by chapter 2 of the laws of 2004, is amended by adding a new subdivision 7 to read as follows:

7. (a) The department shall establish a neurodegenerative with behaviors enhanced special needs assisted living residence program to serve residents of certified assisted living residences with neurodegenerative diseases (such as Alzheimer's dementia, Lewy body dementia, frontal lobe dementia, and Parkinson's disease) with behavior disturbances, as defined by the diagnostic and statistical manual of mental disorders or the international classifications of diseases. To participate in the program, assisted living operators shall obtain certification as both an enhanced assisted living residence and special needs assisted living residence.

(i) Each program will have physician oversight and supervision under contract with the site; provide nursing services directly or under contract; and be limited to ten residential beds per program, and in addition may include two respite beds.

(ii) There shall be no more than five residents per site who, upon admission, are in need of twenty-four-hour skilled nursing care or medical care which would otherwise require placement in a hospital or nursing home.

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

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(iii) All program residents must be an admission requested by a lawful representative of the resident or have been declined admission or readmission by: a nursing home; assisted living residence; enhanced assisted living residence; or special needs assisted living residence. In addition, a physician or nurse practitioner must certify that the prospective resident can be safely cared for in the program.

(b) The program shall establish environmental safeguards that are tailored to accommodate residents based upon needs as determined by the supervising physician and may allow a registered nurse to evaluate, assess and execute physician orders.

(c) In addition to applicable statutory and regulatory requirements, the department may establish standards for the program, including:

(i) ensuring character and competence of the applicant and contracting physician and compliance with applicable laws, rules, and regulations;

(ii) stabilization of behavior disturbances and the provision of palliative care;

(iii) applicable experience of contract and direct care staff in relation to the targeted population;

(iv) person-centered planning for resident care; and

(v) staff education and training, which shall include, but not be limited to:

(A) characteristics and needs of persons with Alzheimer's disease and dementia including behavioral symptoms, and mental and emotional changes;

(B) assessment of care outcomes;

(C) appropriate activities of daily living;

(D) dementia-related behaviors and communication limitations;

(E) other methods of meeting residents' needs on an individual basis;

(F) use and operation of environmental modifications that protect the health and safety of the residents; and

(G) attaining professional affiliation or special qualifications relevant to serving persons with advanced needs.

§ 2. This act shall take effect immediately.