STATE OF NEW YORK

5969--A

2023-2024 Regular Sessions

IN SENATE

March 23, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to medically fragile young adults and pediatric specialized nursing facilities

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

Section 1. The public health law is amended by adding a new section 2831 to read as follows:

§ 2831. Medically fragile young adults. 1. For purposes of this section, "medically fragile young adults" shall have the same meaning as the term "medically fragile children" as set forth in subdivision three-a of section thirty-six hundred fourteen of this chapter and shall include medically fragile young adults who currently reside at a pediatric specialized nursing facility and are over twenty-one years of age.

2. The department shall promulgate rules and regulations to allow medically fragile young adults who reside in pediatric specialized nursing facilities to remain at such facilities after reaching the age of twenty-one and until they reach the age of thirty-six. Unless a higher reimbursement rate is expressly authorized by the department, the reimbursement rate and methodology for such medically fragile young adults shall remain the same as it was prior to reaching age twenty-one and shall include a daily per diem rate and coverage for bed holds. Medicaid reimbursement for this population for reserved beds due to hospitalization and for therapeutic and hospice leaves of absence must remain at one hundred percent of the Medicaid rate of medically fragile children, without any daily limit for this population.

§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.

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

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