

# STATE OF NEW YORK

7038

2023-2024 Regular Sessions

## IN SENATE

May 17, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to expanding the residential health care for children with medical fragility in transition to young adults and young adults with medical fragility demonstration program

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

1 Section 1. Subdivision 1 and paragraph (d) of subdivision 2 of section  
2 2808-e of the public health law, as added by section 1 of part MM of  
3 chapter 57 of the laws of 2021, are amended to read as follows:

4 1. Notwithstanding any law, rule, or regulation to the contrary, the  
5 commissioner shall, within amounts appropriated and subject to the  
6 availability of federal financial participation, establish a demon-  
7 stration program for [~~two~~ **four**] eligible pediatric residential health  
8 care facilities, as defined in paragraph (d) of subdivision two of this  
9 section, to construct a new facility or repurpose part of an existing  
10 facility to operate as a young adult residential health care facility  
11 for the purpose of improving the quality of care for young adults with  
12 medical fragility.

13 (d) "eligible pediatric residential health care facilities" shall mean  
14 pediatric health care facilities that meet the following eligibility  
15 criteria for the demonstration program set forth in subdivision one of  
16 this section: (i) has over one hundred [~~and sixty~~ **twenty**] licensed  
17 pediatric beds; or (ii) is currently licensed for pediatric beds pursu-  
18 ant to this article, is co-operated by a system of hospitals licensed  
19 pursuant to this article, and such hospitals qualify for funds pursuant  
20 to a vital access provider assurance program or a value based payment  
21 incentive program, as administered by the department in accordance with  
22 all requirements set forth in the state's federal 1115 Medicaid waiver  
23 standard terms and conditions.

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

LBD11441-01-3

1 § 2. This act shall take effect immediately; provided, however, that  
2 the amendments to section 2808-e of the public health law made by  
3 section one of this act shall not affect the repeal of such section and  
4 shall be deemed repealed therewith.