STATE OF NEW YORK

7248

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. COONEY -- 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 certain rates of payment for services provided by assisted living programs

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

Section 1. Paragraph (a) of subdivision 6 of section 3614 of the public health law, as amended by section 4-a of part D of chapter 56 of the laws of 2012, is amended to read as follows:

(a) The commissioner shall, subject to the approval of the state director of the budget, establish capitated rates of payment for services provided by assisted living programs as defined by paragraph (a) of subdivision one of section four hundred sixty-one-l of the social services law. Such rates of payment shall be related to costs incurred by residential health care facilities. The rates shall reflect the wage equalization factor established by the commissioner for residential health care facilities in the region in which the assisted living program is provided and real property capital construction costs associated with the construction of a free-standing assisted living program such rate shall include a payment equal to the cost of interest owed and depreciation costs of such construction. The rates shall also reflect the efficient provision of a quality and quantity of services to patients in such residential health care facilities, with needs comparable to the needs of residents served in such assisted living programs. Such rates of payment shall be equal to fifty percent of the amounts which otherwise would have been expended, based upon the [~~mean prices~~] *costs* for [~~the first of July, nineteen hundred ninety-two (utilizing nineteen hundred eighty-three costs)~~] *two thousand twenty-two* for free-standing[~~, low intensity~~] residential health care facilities with less than three hundred beds[~~, and for years subsequent to nineteen hundred ninety-two,~~] adjusted for inflation in accordance with the provisions of

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

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subdivision ten of section twenty-eight hundred seven-c of this chapter, to provide the appropriate level of care for such residents in residential health care facilities in the applicable wage equalization factor regions plus an amount equal to capital construction costs associated with the construction of an assisted living program facility as provided for in this subdivision. **Such rates of payment shall be updated to reflect the most current mean price for free-standing residential health care facilities with less than three hundred beds each time that the cost basis of residential health care facility rates is updated.** The commissioner shall also promulgate regulations, and may promulgate emergency regulations, to provide for reimbursement of the cost of preadmission assessments conducted directly by assisted living programs.

§ 2. This act shall take effect January 1, 2025.