

# STATE OF NEW YORK

8865

## IN SENATE

March 22, 2024

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

AN ACT to amend the public health law, in relation to quality improvement and increased consumer transparency in assisted living residences

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

1 Section 1. Subdivisions 7 and 8 of section 4656 of the public health  
2 law, as added by chapter 2 of the laws of 2004, are renumbered subdivi-  
3 sions 9 and 10 and two new subdivisions 7 and 8 are added to read as  
4 follows:

5 7. (a) All assisted living residences, as defined in subdivision one  
6 of section forty-six hundred fifty-one of this article, including those  
7 licensed and certified as an assisted living residence, special needs  
8 assisted living residence, or enhanced assisted living residence, shall:

9 (i) report annually on quality measures to be established by the  
10 department, in consultation with industry and consumer representatives,  
11 including the long-term care ombudsman or their representative, in the  
12 form and format prescribed by the department, with the first report due  
13 no later than January fifteenth, two thousand twenty-five; and

14 (ii) post information, including the starting monthly service rate,  
15 range for starting rent, approved admission or residency agreement, and  
16 a consumer-friendly summary of all service fees, through a reporting  
17 system to be developed by the department, in consultation with industry  
18 and consumer representatives, that takes into account differences in  
19 licensure and certification, services, agreements and fee structures  
20 across facilities. Such information shall be posted in a conspicuous  
21 place on the facility's website and in a public space within the facili-  
22 ty and shall be made available to the public on forms developed by the  
23 department. Beginning on October first, two thousand twenty-four, this  
24 information shall also be reported to the department.

25 (b) The department shall develop a system to score the results of the  
26 assisted living quality reporting obtained pursuant to paragraph (a) of  
27 this subdivision, in consultation with industry and consumer represen-

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

LBD10164-04-4

1 tatives. Facilities scoring in the top quartile shall be granted the  
2 classification of advanced standing on their annual surveillance sched-  
3 ules.

4 (i) Notwithstanding subparagraph one of paragraph (a) of subdivision  
5 two of section four hundred sixty-one-a of the social services law,  
6 facilities achieving an advanced standing classification shall be  
7 surveyed every eighteen months. All other facilities shall be surveyed  
8 on an unannounced basis no less than annually; provided, however, that  
9 this shall not apply to surveys, inspections or investigations based on  
10 complaints received by the department under any other provision of law.

11 (ii) Facilities may remain on advanced standing classification  
12 provided they meet the scoring requirements in assisted living quality  
13 reporting and until such time when they do not meet such scoring  
14 requirements.

15 (c) Effective January thirty-first, two thousand twenty-five, the  
16 department shall post on its website the results of the assisted living  
17 quality reporting, collected pursuant to subparagraph (i) of paragraph  
18 (a) of this subdivision.

19 (d) No later than February fifteenth, two thousand twenty-five, the  
20 department shall report to the legislature on the development of a qual-  
21 ity scoring system for adult care facilities, including adult homes and  
22 enriched housing providers. Such report shall examine the specific qual-  
23 ity measures recommended and a process for information collection.

24 8. (a) Assisted living residences, as defined in subdivision one of  
25 section forty-six hundred fifty-one of this article, including those  
26 licensed and certified as an assisted living residence, special needs  
27 assisted living residence, or enhanced assisted living residence, may  
28 seek accreditation by agencies determined by the commissioner.

29 (b) Such accreditation agencies shall report data and information, in  
30 a manner and form as determined by the department, pertaining to those  
31 assisted living residences accredited by such agencies, and those  
32 assisted living residences which obtain but lose such accreditation.

33 § 2. This act shall take effect on the thirtieth day after it shall  
34 have become a law.