

STATE OF NEW YORK

8907

IN SENATE

March 26, 2024

Introduced by Sens. GONZALEZ, BAILEY, HINCHEY -- 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 instituting a moratorium on the closure of hospitals until the department of health completes a comprehensive analysis of the impact of such closures on healthcare access in New York state

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "2024 hospital closure moratorium act".

3 § 2. Legislative findings and declaration of emergency. The legisla-
4 ture hereby finds and declares all of the following:

5 1. The serious public emergency regarding hospital closures across New
6 York state continues to exist, and this emergency puts individuals at a
7 heightened risk of death, illness, and economic hardship. These closures
8 impact both public and private healthcare facilities, full-service
9 hospitals, and critical care units.

10 2. The legislature therefore finds and declares that in order to
11 prevent death, hardship, and other negative health outcomes to New York
12 state residents, the provisions of this act are necessary to protect
13 public health, safety, and general welfare. The necessity in the public
14 interest for the provisions hereinafter enacted is hereby declared as a
15 matter of legislative determination.

16 § 3. The public health law is amended by adding a new section 2831 to
17 read as follows:

18 § 2831. Hospital closure moratorium. 1. For purposes of this section,
19 "healthcare facility" shall mean hospitals and other healthcare centers
20 providing emergency services, intensive care services, cardiac and
21 stroke services, maternity services, cancer treatment services, psychi-
22 atric emergency services, gender identity services, urgent care services
23 and pediatric services.

24 2. Notwithstanding any provision of law, rule or regulation to the
25 contrary, the state shall institute a moratorium on the closure of
26 hospitals until the department completes a statewide report examining

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

LBD15041-01-4

1 the aggregate impact of such closures on healthcare access in New York
2 state. During such moratorium, no hospital shall close or reduce capac-
3 ity below the hospital's capacity as of the date the moratorium was
4 imposed unless the department requests an exemption for the healthcare
5 facility and said exemption is approved by the legislature.

6 3. The report shall collect data including but not limited to:

7 (a) statewide data on:

8 (i) the number of healthcare facilities in each county;

9 (ii) the average number of total and available hospital beds in each
10 county;

11 (iii) the average number of medicare and Medicaid recipients, and the
12 percentage of insured and uninsured patients served, by county;

13 (iv) the number of medicare and Medicaid recipients, and the percent-
14 age of insured and uninsured patients served, by county;

15 (v) historical and projected market shares of all hospital networks
16 and healthcare service providers in New York state; and

17 (vi) the median distance between healthcare facilities that provide
18 similar services; and

19 (b) data by healthcare facilities on:

20 (i) the race, sex, gender, age, economic status, and disability status
21 of patients served by each healthcare facility;

22 (ii) the number of medicare and Medicaid recipients, and the percent-
23 age of insured and uninsured patients served;

24 (iii) the number of physicians and professional staff employed at the
25 healthcare facility; and

26 (iv) access to the healthcare facility by public or private transpor-
27 tation, including transportation sponsored by the healthcare facility
28 itself.

29 4. In completing this report, the department shall meaningfully engage
30 public health experts, labor representatives of the hospital workforce,
31 community leaders and residents of New York state. The findings of such
32 report shall be provided in electronic format and shall be distributed
33 to the temporary president and minority leader of the senate, the speak-
34 er and minority leader of the assembly, the chair of the senate standing
35 committee on health, and the chair of the assembly health committee. The
36 department shall publicly post the report on the department's website
37 within one week of the filing.

38 5. The report shall use the data collected to define and identify
39 areas at risk of future hospital closures. These areas shall be desig-
40 nated "distressed healthcare zones". The department shall reject appli-
41 cations for closures issued by healthcare facilities in any distressed
42 healthcare zone. Distressed healthcare zones shall be prioritized when
43 allocating healthcare spending.

44 § 4. This act shall take effect immediately. The commissioner of
45 health and the public health and health planning council shall make
46 regulations and take other actions reasonably necessary to implement
47 this act.