STATE OF NEW YORK

9049

IN SENATE

April 12, 2024

Introduced by Sen. SCARCELLA-SPANTON -- 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 the hospital-home care-physician collaboration program

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

Section 1. Legislative intent. The legislature recognizes and reiterates that the intent of section 2805-x of the public health law is to establish a framework to support voluntary initiatives that improve patient care access and management. The statute authorizes the waiver of regulations by the commissioner of health in order to accomplish the purposes of the approved initiatives. However, the statute was never intended to allow the waiver of statutory obligations, including statutory obligations related to the certificate of need process. Similarly, the statute was not intended to allow the approval of projects without public notice that would otherwise be required, as notification and the opportunity to offer comments on proposed projects are critical elements in determining the worthiness of any application claiming to meet an unmet or new need. Accordingly, the intent of this act is to ensure public notice and opportunity to comment on projects to be approved under public health law section 2805-x prior to approval, and to clarify that statutory certificate of need obligations continue to apply to such projects.

§ 2. Subdivision 3 of section 2805-x of the public health law, as added by section 48 of part B of chapter 57 of the laws of 2015, is amended to read as follows:

3. **(a)** The commissioner is authorized to provide financing including, but not limited to, grants or positive adjustments in medical assistance rates or premium payments, to the extent of funds available and allocated or appropriated therefor, including funds provided to the state through federal waivers, funds made available through state appropriations and/or funding through section twenty-eight hundred seven-v of this article, as well as waivers of regulations under title ten of the

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

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New York codes, rules and regulations, to support the voluntary initiatives and objectives of this section.

(b) No application for a waiver of any regulation under title ten of the New York codes, rules and regulations shall be approved by the commissioner unless, prior to being approved, notice of such application shall be submitted to the secretary of state for publication in the state register, and the public shall be afforded an opportunity to submit comments on the application, at least sixty days prior to such approval, consistent with section two hundred two of the state administrative procedure act.

(c) In no event shall any waiver of a regulation under title ten of the New York codes, rules and regulations include the waiver of an applicant's obligation to meet public need, character and competence, or financial feasibility requirements pursuant to sections twenty-eight hundred one-a, thirty-six hundred six or four thousand four of this chapter.

§ 3. This act shall take effect immediately.