

STATE OF NEW YORK

9519

IN SENATE

May 16, 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 establishing an
advanced residential health care for aging adults with medical fragil-
ity demonstration program

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

1 Section 1. The public health law is amended by adding a new section
2 2808-f to read as follows:

3 § 2808-f. Advanced residential health care for aging adults medical
4 fragility demonstration program. 1. Notwithstanding any law, rule, or
5 regulation to the contrary, the commissioner shall, within amounts
6 appropriated and subject to the availability of federal financial
7 participation, establish a demonstration program for eligible adult
8 residential health care facilities, as defined in paragraph (c) of
9 subdivision two of this section, to construct a new facility or repur-
10 pose part of an existing facility to operate as an adult residential
11 health care facility for the purpose of improving the quality of care
12 for aging adults with medical fragility.

13 2. For purposes of this section:

14 (a) "Aging adults with medical fragility" shall mean adults from age
15 thirty-five to end of life who have a chronic debilitating condition or
16 conditions, are at risk of hospitalization, are technology-dependent for
17 life or health sustaining functions, require complex medication regimens
18 or medical interventions to maintain or to improve their health status,
19 and/or are in need of ongoing assessment or intervention to prevent
20 serious deterioration of their health status or medical complications
21 that place their life, health or development at risk.

22 (b) "Adult residential health care facility" shall mean a residential
23 health care facility or discrete unit of a residential health care
24 facility providing services to adults over the age of thirty-five.

25 (c) "Eligible adult residential health care applicant" shall mean
26 adult health care facilities that meet the following eligibility crite-
27 ria for the demonstration program set forth in subdivision one of this

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

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1 section: (i) is a nonprofit corporation that operates one hundred ten
2 adult beds licensed under article sixteen of this chapter; or (ii) is
3 licensed to provide diagnostic and treatment services pursuant to this
4 article.

5 3. Upon receipt of a certificate of need application from an eligible
6 adult residential health care applicant selected by the commissioner for
7 the demonstration program authorized under this section, the commission-
8 er is authorized to approve, with the written approval of the public
9 health and health planning council pursuant to section twenty-eight
10 hundred two of this article, the construction of a new residential
11 health care facility to be constructed and operated on a parcel of land
12 within the same county as that of an eligible adult residential health
13 care applicant that is proposing such new facility and over which it
14 will have site control, provided that such facility qualifies for the
15 demonstration program set forth in subdivision one of this section.

16 4. An aging adult facility established pursuant to subdivision three
17 of this section may admit, from the community-at-large or upon referral
18 from an unrelated facility, aging adults with medical fragility who,
19 prior to reaching age thirty-five, were young adults with medical
20 fragility, and who are eligible for nursing home care and in need of
21 extensive nursing, medical, psychological and counseling support
22 services, provided that the aging adult facility, to promote continuity
23 of care, undertakes to provide priority admission to aging adults with
24 medical fragility transitioning from the pediatric residential health
25 care facility or unit operated by the entity that proposed the aging
26 adult facility and ensure sufficient capacity to admit such adults as
27 they attain thirty-five years of age.

28 5. For inpatient services provided to any aging adults with medical
29 fragility eligible for medical assistance as authorized in subdivision
30 three of this section, the commissioner shall establish the operating
31 component of rates of reimbursement appropriate for aging adults with
32 medical fragility residing at an adult residential health care facility,
33 to apply to such adults thirty-five years of age or older. Such method-
34 ology shall take into account the methodology used to establish the
35 operating component of the rates pursuant to section twenty-eight
36 hundred eight of this article for adult residential health care facili-
37 ties with an increase or decrease adjustment as appropriate to account
38 for any discrete expenses associated with caring for aging adults with
39 medical fragility, including addressing their distinct needs as aging
40 adults for medical and psychological support services.

41 6. The commissioner shall have authority to waive any rule or regu-
42 lation to effectuate the demonstration program authorized pursuant to
43 subdivision one of this section.

44 § 2. This act shall take effect immediately.