STATE OF NEW YORK

11096

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to establishing an assisted living program reimbursement pilot program

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

Section 1. The social services law is amended by adding a new section 367-hh to read as follows:

§ 367-hh. Assisted living program reimbursement pilot program. 1. Establishment of a pilot program. The commissioner shall establish an assisted living program reimbursement pilot program to provide enhanced Medicaid reimbursement to qualifying assisted living programs, as defined in section four hundred sixty-one-l of this chapter.

2. Eligibility. To be eligible for participation in the pilot program, an assisted living facility shall:

(a) employ not fewer than fifty employees at the time of application;

(b) demonstrate that at least seventy percent of such facility's employees voluntarily self-identify as Black, Hispanic, or Asian; and

(c) maintain an average annual occupancy rate of not less than eighty percent, calculated based upon licensed bed capacity during the twelve months preceding application for and throughout participation in the pilot program.

3. Payment increases. In addition to the capitated rates of payment established pursuant to section thirty-six hundred fourteen of the public health law for assisted living facilities, assisted living facilities participating in the pilot program shall receive:

(a) a four percent increase to such capitated rate of payment, increasing such rate from thirty-one percent to thirty-five percent for the first year of participation in the pilot program;

(b) a five percent increase to such capitated rate of payment, increasing such rate from thirty-five percent to forty percent for the second year of participation in the pilot program;

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

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(c) a five percent increase of the nursing home rate, increasing such rate from forty percent to forty-five percent for the third year of participation in the pilot program; and

(d) a five percent increase of the nursing home rate, increasing such rate from forty-five percent to fifty percent for the fifth year of participation in the pilot program and thereafter.

4. Certification and verification. (a) Assisted living facilities participating in the program shall submit an annual certification to the department of health verifying compliance with subdivision two of this section.

(b) Workforce demographic information shall be collected through voluntary self-identification and shall not be publicly disclosed in individually identifiable form.

(c) The commissioner may audit participating assisted living facilities to ensure compliance with this section.

5. Non-compliance. A facility that fails to maintain the eligibility requirements set forth in this section may be removed from the pilot program at the discretion of the commissioner.

6. Reporting. The commissioner shall submit an annual report to the governor, the temporary president of the senate, and the speaker of the assembly, evaluating the fiscal impact and outcomes of the pilot program and providing recommendations regarding continuation or expansion of the pilot program.

§ 2. This act shall take effect immediately.