

STATE OF NEW YORK

6004

2025-2026 Regular Sessions

IN ASSEMBLY

February 25, 2025

Introduced by M. of A. SIMON, CRUZ, REYES, GLICK, WEPRIN, BURDICK, JACOBSON, OTIS, CUNNINGHAM, SEAWRIGHT, SANTABARBARA, MITAYNES, GONZALEZ-ROJAS, COLTON, FORREST, PHEFFER AMATO, BARRETT, SHRESTHA, LEVENBERG, MAMDANI, DINOWITZ, TAPIA, LEE, KELLES, TAYLOR, BORES, RAGA -- Multi-Sponsored by -- M. of A. R. CARROLL, DAVILA, EPSTEIN, HEVESI, PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing public notice and public engagement when a general hospital seeks to close entirely or a unit that provides maternity, mental health or substance use care

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 "local input in community healthcare act".

3 § 2. Section 2801-g of the public health law, as added by chapter 541
4 of the laws of 2010, subdivision 4 as added by section 3 of part E of
5 chapter 57 of the laws of 2023, is amended to read as follows:

6 § 2801-g. Community [~~forum~~] notice and engagement on hospital closure.

7 1. Process for the closure of a general hospital or a unit of a general
8 hospital. (a) This section sets forth a process for the closure of a
9 general hospital or a unit of a general hospital. As used in this
10 section, "unit" means a portion of a general hospital that offers
11 licensed emergency, maternity, mental health or substance use services,
12 including any specialty care or any other hospital service in an operat-
13 ing certificate as approved under section twenty-eight hundred five of
14 this article. For the purposes of this section, the closure of a unit of
15 a general hospital shall include a reduction of such services. As used
16 in this section, "reduction" means a reduction in services that results
17 in:

18 (i) more than fifteen percent of a reduction in patient capacity of a
19 unit within twelve months; or

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

LBD03821-01-5

1 (ii) a twenty-five percent or more reduction in patient capacity in
2 aggregate within a twenty-four month period; or

3 (iii) a thirty-five percent or more reduction in patient capacity in
4 aggregate within a thirty-six month period.

5 2. Closure of a general hospital. (a) Written notification of a
6 proposed closure of a general hospital must be provided to the depart-
7 ment and all parties listed in subparagraph (ii) of paragraph (c) of
8 this subdivision no later than two hundred seventy days prior to the
9 proposed closure date. Nothing in this section shall prohibit a general
10 hospital from conferring with the department prior to submitting such
11 written notification to give informal notice and seek guidance.

12 (b) Application. A general hospital that seeks to close entirely
13 shall submit an application that requires review by the public health
14 and health planning council, or any successor entity. The application
15 for the closure shall include a health equity impact assessment, as
16 defined by section twenty-eight hundred two-b of this article, and a
17 proposed closure plan. The application shall be submitted at least two
18 hundred ten days before the proposed closure. No cessation, pause,
19 transfer, or limitation of service may be carried out while the closure
20 application is pending without prior written approval by the commis-
21 sioner or the commissioner's designee, who may take into consideration the
22 impacts on quality of care and patient safety stemming from changes in
23 patient volume or services. As used in this section, "transfer of
24 services" shall include conversion of services from inpatient to outpa-
25 tient services, the moving of services to other facilities, or the
26 transfer of personnel that would constitute a reduction or unavailabili-
27 ty of services.

28 (c) Public community forum. (i) No later than [~~thirty~~] one hundred
29 fifty days [~~after~~] prior to the proposed closure of a general hospital,
30 the commissioner shall hold a public community forum for the purpose of
31 obtaining public input concerning the anticipated impact of the general
32 hospital's closure on access to health care services by members of the
33 surrounding community, including but not limited to recipients of the
34 medical assistance for needy persons, the uninsured, and medically
35 underserved populations as defined in paragraph (d) of subdivision one
36 of section twenty-eight hundred two-b of this article, and options and
37 proposals to ameliorate such anticipated impact. The commissioner shall
38 afford community members, health care providers, labor unions, payers,
39 businesses and consumers a reasonable opportunity to speak about rele-
40 vant matters at such community forum.

41 [~~2-~~] (ii) No later than [~~sixty~~] thirty days [~~after~~] before holding a
42 community forum pursuant to [~~subdivision one of this section~~] this para-
43 graph, the commissioner shall make available to the public on the
44 department's website information regarding:

45 [~~a-~~] (A) the proposed closure plan submitted by the general hospital;
46 (B) the anticipated impact of the general hospital's closure on access
47 to health care services by members of the surrounding community, includ-
48 ing but not limited to recipients of medical assistance for needy
49 persons, the uninsured, and underserved populations;

50 [~~b-~~] (C) specific measures the department and other parties have
51 taken or will take to ameliorate such anticipated impact including but
52 not limited to ensuring that the services to be eliminated would be
53 available to Medicaid, or individuals that are insured by a publicly-
54 subsidized plan and uninsured patients at the surrounding area facili-
55 ties that are taking new patients; and

1 [~~(e)~~] (D) any further recommendations regarding access to health care
2 services in communities impacted by the general hospital's closure.

3 [~~3~~] (iii) A community forum conducted pursuant to this section shall
4 be held at a location within a reasonable proximity to the general
5 hospital or unit subject to the proposed closure, and shall be announced
6 no less than [~~ten~~] fourteen days prior to the date of such community
7 forum. Such forum shall be held at a proper time and be accessible to
8 the impacted community virtually and physically.

9 [~~4. At least thirty days prior to a general hospital applying to the~~
10 ~~federal centers for medicare and medicaid services to convert from a~~
11 ~~general hospital with inpatients to a rural emergency hospital under 42~~
12 ~~USC 1395x(kkk), or successor provisions, such hospital shall hold a~~
13 ~~public community forum for the purpose of obtaining public input~~
14 ~~concerning the anticipated impact of the hospital's closure of inpatient~~
15 ~~units, including but not limited to, the impact on recipients of medical~~
16 ~~assistance for needy persons, the uninsured, people with disabilities,~~
17 ~~and medically underserved populations, and options and proposals to~~
18 ~~ameliorate such anticipated impact.~~

19 The (iv) No later than thirty days prior to a community forum under
20 this section, the general hospital shall notify health care providers,
21 labor unions, the [~~congressional~~] local, state, and federal legislative
22 representative, the office of the attorney general, the county execu-
23 tive, mayor, town supervisor, and in the case of the city of New York,
24 the borough president, and community board for [~~the~~] every district in
25 which the [~~facility~~] general hospital is located, [~~the county executive~~
26 ~~of the county in which the facility is located, and the state senator~~
27 ~~and assembly member representing the area within which the facility is~~
28 ~~located~~] of the date, time, and location of the community forum. The
29 general hospital shall afford all public participants a reasonable
30 opportunity to speak about relevant matters at such community forum.
31 Prior to [~~any~~] a community forum and as soon as practicable, the general
32 hospital shall be required to:

33 [~~(a)~~] (A) notify the office of mental health and the local director of
34 community services in the event such general hospital has psychiatric
35 inpatient beds licensed under article thirty-one of the mental hygiene
36 law or designated pursuant to section 9.39 of the mental hygiene law,
37 and

38 [~~(b)~~] (B) notify the office of addiction services and supports in the
39 event such general hospital has inpatient substance use disorder treat-
40 ment programs or inpatient chemical dependence treatment programs
41 licensed under article thirty-two of the mental hygiene law. The commis-
42 sioner shall also accept comments submitted in writing at such public
43 forum and by mail or electronic mail within at least two weeks following
44 the community forum.

45 (v) The commissioner shall also accept comments submitted in writing
46 at such public forum and by mail or electronic mail within at least two
47 weeks following the community forum.

48 (d) Revised closure plan. No later than thirty days after the communi-
49 ty forum, the general hospital shall submit a revised closure plan to
50 the department addressing concerns raised by community stakeholders
51 during the community forum. The general hospital and the department
52 shall make the revised closure plan publicly available on their websites
53 no later than forty-five days after the community forum.

54 (e) Public health and health planning council review. No later than
55 ninety days prior to the proposed closure, the public health and health
56 planning council, or any successor entity, shall hold a public meeting

1 before the council to review the application, including the health equi-
2 ty impact assessment and revised closure plan. Within two weeks after
3 such meeting, the public health and health planning council shall make a
4 recommendation to the commissioner for the commissioner's consideration.

5 3. Closure of a unit of a general hospital. (a)(i) Written notifica-
6 tion of a proposed closure of a unit of a general hospital, as defined
7 in subdivision one of this section, must be provided to the department
8 and all parties listed in subparagraph (iv) of paragraph (c) of subdivi-
9 sion two of this section no later than two hundred ten days prior to the
10 proposed closure date. Nothing in this section shall prohibit a general
11 hospital from conferring with the department prior to submitting such
12 written notification to give informal notice and seek guidance.

13 (ii) A reduction in services or closure of a unit in a general hospi-
14 tal shall not be required to undergo the process set forth in this
15 section if the general hospital demonstrates to the department a good
16 cause for such reduction or closure of a unit, which shall include one
17 or more of the following:

18 (A) whether such closure or reduction is temporary in order to modern-
19 ize a facility;

20 (B) whether such closure addresses the current health care demand,
21 such as patient volume and the overall availability of services in the
22 facility's health service area or county served;

23 (C) there are acute labor shortages outside of the control of the
24 general hospital that impacts patient safety; or

25 (D) an acute financial emergency outside of the control of the general
26 hospital.

27 (b) Application. A general hospital that seeks the closure of a unit
28 shall submit an application to the department of health that requires
29 review by the public health and health planning council, or any succes-
30 sor entity in addition to approval by the commissioner. The application
31 for the closure shall include a health equity impact assessment, as
32 defined by section twenty-eight hundred two-b of this article, and a
33 proposed closure plan. The application shall be submitted at least one
34 hundred fifty days before the proposed closure. No cessation, pause,
35 transfer, or limitation of service may be carried out while the closure
36 application is pending without prior written approval by the commis-
37 sioner or the commissioner's designee, who shall take into consideration the
38 impacts on quality of care and patient safety stemming from changes in
39 patient volume or services. As used in this section, "transfer of
40 services" shall include conversion of services from inpatient to outpa-
41 tient services, the moving of services to other facilities, or the
42 transfer of personnel that would constitute a reduction or unavailabili-
43 ty of services.

44 (c) Community public forum. (i) No later than ninety days prior to the
45 proposed closure of a unit of a general hospital, the commissioner shall
46 hold a public community forum for the purpose of obtaining public input
47 concerning the anticipated impact of the unit's closure on quality and
48 access to health care services by members of the surrounding community,
49 including but not limited to recipients of medical assistance for needy
50 persons, the uninsured, and medically underserved populations as defined
51 in paragraph (d) of subdivision one of section twenty-eight hundred
52 two-b of this article, and options and proposals to ameliorate such
53 anticipated impact. The commissioner shall afford community members,
54 health care providers, labor unions, payers, businesses, and other
55 participants a reasonable opportunity to speak about relevant matters at
56 such community forum.

1 (ii) No later than two weeks before holding a community forum pursuant
2 to this paragraph, the commissioner shall make available to the public
3 on the department's website information regarding: (A) the proposed
4 closure plan submitted by the general hospital; (B) the anticipated
5 impact of the closure on quality and access to health care services by
6 members of the surrounding community, including but not limited to
7 recipients of medical assistance for needy persons, the uninsured, and
8 underserved populations; (C) specific measures the department and other
9 parties have taken or will take to ameliorate such anticipated impact
10 including but not limited to ensuring that the services to be eliminated
11 would be available to Medicaid, or individuals that are insured by a
12 publicly-subsidized plan and uninsured patients at the surrounding area
13 facilities that are taking new patients; and (D) any further recommenda-
14 tions regarding quality and access to health care services in communi-
15 ties impacted by the closure.

16 (iii) A community forum conducted pursuant to this paragraph shall be
17 held at a location within a reasonable proximity to the unit subject to
18 the proposed closure and shall be announced no less than fourteen days
19 prior to the date of such community forum. Such forum shall be held at a
20 proper time and be accessible to the impacted community virtually and
21 physically.

22 (iv) No later than two weeks prior to the community forum under this
23 section, the general hospital seeking to close a unit shall notify
24 health care providers, labor unions, the local, state, and federal
25 legislative representative, the office of the attorney general, the
26 county executive, mayor, town supervisor, and in the case of the city of
27 New York, the borough president, and community board for every district
28 in which the general hospital is located, of the date, time, and
29 location of the community forum. Prior to the community forum and as
30 soon as practicable, the general hospital shall be required to: (A)
31 notify the office of mental health and the local director of community
32 services in the event such general hospital is seeking to close an inpa-
33 tient psychiatric unit licensed under article thirty-one of the mental
34 hygiene law or designated pursuant to section 9.39 of the mental hygiene
35 law, and (B) notify the office of addiction services and supports in the
36 event the general hospital is seeking to close an inpatient substance
37 use disorder treatment programs or inpatient chemical dependence treat-
38 ment programs licensed under article thirty-two of the mental hygiene
39 law.

40 (v) The commissioner shall also accept comments submitted in writing
41 at such public forum and by mail or electronic mail within at least two
42 weeks following the community forum.

43 (d) Revised closure plan. No later than thirty days after the communi-
44 ty forum, the general hospital shall submit a revised closure plan to
45 the department addressing concerns raised by community stakeholders
46 during the community forum. The general hospital and the department
47 shall make the revised closure plan publicly available on their websites
48 no later than forty-five days after the community forum.

49 (e) Public health and health planning council review. No later than
50 thirty days prior to the proposed closure, the public health and health
51 planning council, or any successor entity, shall hold a public meeting
52 to review the application, including the health equity impact assessment
53 and revised closure plan. Within two weeks after such meeting, the
54 public health and health planning council shall make a recommendation to
55 the commissioner for the commissioner's consideration.

1 4. The commissioner shall make their decision to either approve or
2 deny the closure plan within thirty days following receipt of the recom-
3 mendation from the public health and health planning council.

4 5. At least thirty days prior to a general hospital applying to the
5 federal centers for medicare and medicaid services to convert from a
6 general hospital with inpatients to a rural emergency hospital under 42
7 USC 1395x(kkk), or successor provisions, such general hospital shall
8 hold a public community forum for the purpose of obtaining public input
9 concerning the anticipated impact of the general hospital's closure of
10 inpatient units, including but not limited to, the impact on recipients
11 of medical assistance for needy persons, the uninsured, people with
12 disabilities, and medically underserved populations, and options and
13 proposals to ameliorate such anticipated impact.

14 6. No later than January first, two thousand twenty-six and annually
15 thereafter, the commissioner shall provide a report to the legislature,
16 including but not limited to, identifying the general hospital or unit
17 of a general hospital that has provided written notice of a closure, the
18 proposed closure date and the services impacted by the proposed closure.
19 Such report shall be provided in electronic format and shall be distrib-
20 uted to the temporary president and minority leader of the senate, the
21 speaker and minority leader of the assembly, the chair of the senate
22 standing committee on health, and the chair of the assembly health
23 committee.

24 7. No provision of this section shall modify any other requirement or
25 process for the closure of a general hospital or a unit of a general
26 hospital that is required pursuant to this chapter or the regulations
27 promulgated pursuant to it, including but not limited to any department
28 or public health and health planning council review or approval process.

29 § 3. This act shall take effect on the sixtieth day after it shall
30 have become a law, and shall not apply to any proposed closures on
31 notice to the department as of the date it shall take effect.