STATE OF NEW YORK

4275--A

Cal. No. 974

2025-2026 Regular Sessions

IN SENATE

February 3, 2025

Introduced by Sens. KAVANAGH, SEPULVEDA, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the closure of nursing homes

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

Section 1. The public health law is amended by adding a new section 2833 to read as follows:

§ 2833. Closure of nursing homes. 1. In the event that an operator of a nursing home elects to close the facility, the following shall apply:

(a) The operator shall submit written notice to the department at least ninety days prior to the anticipated date of closure of the nursing home.

(b) The written notice shall include a proposed plan for closure of the nursing home. The plan shall be subject to approval by the commissioner, and shall include timetables for all steps in the closure process and descriptions of the procedures and actions the operator will take to:

(i) notify residents of the closure, including provisions for termination of admission agreements and involuntary discharge;

(ii) assess the needs and preferences of individual residents;

(iii) assist residents in locating and transferring to appropriate alternative settings; and

(iv) maintain compliance with the provisions of this section and other applicable laws and regulations until all residents have relocated.

(c) Copies of the written notice shall be concurrently delivered to:

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

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(i) the chief executive officer and the presiding officer of the local legislative body of each county, city, town or village in which the nursing home is located, except a county wholly contained within a city;

(ii) the nursing home's residents' council; and

(iii) in a city with a population of one million or more people, the community board in whose district the nursing home is located. Copies of the written notice shall also be made available to the public on the department's website, and the facility's website if it otherwise maintains a website.

(d) Such officer, legislative body or board may:

(i) convene closed or public meetings, upon notice to the department and the nursing home operator, that must conclude within forty-five days of the operator's proposed notice of closure;

(ii) examine any information relevant to needs of the community and the impact of the closure on stakeholders; and

(iii) make a non-binding recommendation to the commissioner as to whether the application for closure should be approved, modified or rejected.

2. (a) The operator shall take no action to close the nursing home prior to approval by the commissioner of the plan for closure.

(b) The operator shall not close the nursing home until all residents of the nursing home have transferred to appropriate alternative settings.

(c) The operator shall not increase the amount of any fees or charges or institute any new fees or charges payable by the residents of the nursing home, their families or their insurance companies, if any, prior to approval of the plan for closure.

(d) The operator shall not accept new residents, admissions, or transfers for the nursing home, after the operator has submitted written notice to the department that the operator intends to close the nursing home, unless (i) each such new resident, admission or transfer is notified prior to acceptance of the intended date of closure, or (ii) the operator's election to close the nursing home has been abandoned.

3. The commissioner may approve, modify or reject the proposed plan for closure and may impose conditions on any approval. An approved plan for closure shall:

(a) specify any modifications the department requires to the proposed plan for closure;

(b) provide for the maintenance, storage, safekeeping, and ultimate disposition of patient medical records and provide for transfer of or access to such records to the patients, their treating health care providers, or lawful representatives; and

(c) include a plan to ensure that arrangements will be made for continued care that meets each resident's social, emotional and health needs.

4. The department shall make a full copy of an approved closure plan available to the public on the department's website and shall update the posting should the plans change.

5. Failure of a nursing home operator to comply with any provision of this section or the terms of any agreement with or conditions imposed by the commissioner under this section shall result in the imposition of penalties under this chapter.

6. Nothing in this section shall prevent the commissioner from ordering or expediting temporary or permanent closure of a nursing home if the commissioner deems such closure necessary to protect the health and safety of the residents due to the operator's financial distress,

mismanagement, or malfeasance, or other factors that cause the operator to be unable to safely operate the nursing home.

§ 2. This act shall take effect on the sixtieth day after it shall become a law, and shall apply to all closures of nursing homes occurring ninety days or more after such effective date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.