

STATE OF NEW YORK

8802

IN SENATE

January 8, 2026

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law and the insurance law, in relation to oversight of continuing care retirement communities; to amend a chapter of the laws of 2025 amending the public health law and the insurance law relating to promoting efficient and effective oversight of continuing care retirement communities and repealing certain provisions of such law relating thereto, as proposed in legislative bills numbers S. 4585 and A. 1464-A, in relation to the effectiveness thereof; and to repeal certain provisions of such chapter of the laws of 2025 relating thereto

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

1 Section 1. Section 4602 of the public health law, as amended by a
2 chapter of the laws of 2025 amending the public health law and the
3 insurance law relating to promoting efficient and effective oversight of
4 continuing care retirement communities and repealing certain
5 provisions of such law relating thereto, as proposed in legislative
6 bills numbers S. 4585 and A. 1464-A, is amended to read as follows:
7 § 4602. Commissioner; powers and duties. The commissioner shall have
8 the following powers and duties:
9 [~~a-~~] 1. to receive applications from potential operators of continuing
10 care retirement communities and to distribute such applications for
11 review to the participating agencies;
12 [~~b-~~] 2. to develop uniform forms for applications for certificates of
13 authority, to review the status of such applications, and to coordinate
14 the review of such applications in order to minimize duplication or
15 delay;
16 [~~e-~~] 3. to provide information to entities wishing to establish
17 continuing care retirement communities and to persons interested in
18 becoming residents of such communities, to the extent appropriate, with
19 concerns relating to the operation of such facilities;
20 [~~d-~~] 4. to issue certificates of authority to approved applicants;

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

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1 ~~[e-]~~ 5. to approve or reject applications to obtain a certificate of
2 authority for the establishment and operation of a continuing care
3 retirement community. In reviewing applications, the commissioner shall
4 consider the extent to which the applications reflect various sponsor-
5 ships, organizational structures, geographic dispersion, and the public
6 benefit. In determining the public benefit of a community requiring
7 construction of a total nursing facility component greater than or equal
8 to ninety beds, the commissioner shall obtain and consider the recommen-
9 dation of the public health and health planning council with regard to
10 the effect of the construction of the community's nursing facility beds
11 upon existing facilities in the same geographic area;

12 ~~[f-]~~ 6. to require the reporting of such facts and information as the
13 commissioner may deem necessary to enforce the provisions of this arti-
14 cle;

15 ~~[g-]~~ 7. to coordinate the oversight of operating communities and to
16 assign review and regulatory responsibility for particular aspects of
17 such communities to the appropriate agencies, consistent with their
18 legal authority, to assure consistent state supervision without dupli-
19 cation of inspection or regulatory review;

20 ~~[h-]~~ 8. to make such recommendations to the governor and the legisla-
21 ture as may be necessary to encourage or further regulate the develop-
22 ment of continuing care retirement communities;

23 ~~[i-]~~ 9. to establish and charge equitable and reasonable annual charg-
24 es for operators, not to exceed fifty dollars per approved living unit,
25 to subsidize, in part, expenditures incurred in reviewing applications
26 for certificates of authority and in inspecting, regulating, supervising
27 and auditing continuing care retirement communities;

28 ~~[j-]~~ 10. to adopt rules and regulations and amendments thereto to
29 effectuate the provisions of this article;

30 ~~[k-]~~ 11. to revoke, suspend, limit, or annul a certificate of authori-
31 ty under conditions set forth in section forty-six hundred fifteen of
32 this article, including when such action is taken at the specific
33 request of any participating council agency~~[r-]~~;

34 ~~[l-]~~ 12. to carry out any other responsibilities entrusted to the
35 commissioner pursuant to this chapter that may be necessary with regard
36 to the health care activities of continuing care retirement communities;

37 ~~[m-]~~ 13. to make available to all prospective operators all pertinent
38 regulations regarding health and insurance necessary to comply with this
39 article;

40 ~~[n-]~~ 14. to approve or reject applications for authorization by
41 prospective continuing care retirement community applicants, entities
42 that have filed an application for a certificate of authority and opera-
43 tors, to enter into cancellable priority reservation agreements and to
44 collect refundable priority reservation fees from prospective residents;

45 ~~[o-]~~ 15. to require the reporting of such facts and information as the
46 commissioner may deem necessary to determine whether characteristics of
47 residential health care demonstration facilities such as comprehensive
48 systems of residential and support services for the elderly may be
49 successfully incorporated into existing or approved continuing care
50 retirement communities;

51 ~~[p-]~~ 16. to review and approve or reject applications by continuing
52 care retirement community operators to use entrance fees to assist the
53 operator in financing the construction or purchase of a proposed contin-
54 uing care retirement community in accordance with paragraph b of subdi-
55 vision six of section forty-six hundred ten of this article; ~~[and]~~

1 ~~[§]~~ 17. to review and approve or reject any proposed financing by
2 industrial development agencies of continuing care retirement communi-
3 ties pursuant to article eighteen-A of the general municipal law as
4 authorized by section forty-six hundred four-a of this article~~[-]~~; and
5 18. to coordinate the interagency regulatory review of the applica-
6 tions, development and operations of communities in order to minimize
7 duplication or delay.

8 § 2. Section 4603 of the public health law, as added by a chapter of
9 the laws of 2025 amending the public health law and the insurance law
10 relating to promoting efficient and effective oversight of continuing
11 care retirement communities and repealing certain provisions of such law
12 relating thereto, as proposed in legislative bills numbers S. 4585 and
13 A. 1464-A, is amended to read as follows:

14 § 4603. Continuing care retirement community council; powers and
15 duties. 1. The continuing care retirement community council is hereby
16 established, to consist of the following, or their designees: the attor-
17 ney general; the commissioner; the director of the office for the aging;
18 and eight public members appointed by the governor ~~[with the advice and~~
19 ~~consent of the senate]~~. Such public members shall be representative of
20 the public, and have a demonstrated expertise or interest in continuing
21 care retirement communities; provided that no more than one such member
22 shall be a sponsor, owner, operator, manager, member of a board of
23 directors, or shareholder of a continuing care retirement community. At
24 least two public members shall be residents of a continuing care retire-
25 ment community. At least one of the public members shall be a represen-
26 tative of an organization with demonstrated experience in representing
27 the interests of senior citizens. The public members of the council
28 shall have fixed terms of four years. The council shall be chaired by
29 the commissioner or the designee of such commissioner.

30 (a) Members of such council shall serve without compensation for their
31 services as members of the council, except that each of them may be
32 allowed the necessary and actual expenses which such member shall incur
33 in the performance of their duties under this article.

34 (b) A majority of the appointed voting membership of the council shall
35 constitute a quorum.

36 2. The council shall meet as often as the commissioner may ~~[be deemed]~~
37 deem necessary to fulfill its responsibilities. The council shall have
38 the following powers and duties:

39 a. to ~~[assist]~~ advise the commissioner on policy matters related to
40 the establishment and operation of continuing care retirement communi-
41 ties;

42 b. to ~~[assist]~~ advise the commissioner in the development of the
43 state's overall policy regarding continuing care retirement communities
44 and cause studies and research to be conducted as it may deem advisable
45 and necessary; and

46 c. to make ~~[such]~~ any other recommendations to the ~~[governor and the~~
47 ~~legislature]~~ commissioner as may be necessary to encourage or further
48 regulate the development of continuing care retirement communities.

49 § 3. Subdivision 4 of section 4604 of the public health law, as
50 amended by a chapter of the laws of 2025 amending the public health law
51 and the insurance law relating to promoting efficient and effective
52 oversight of continuing care retirement communities and repealing
53 certain provisions of such law relating thereto, as proposed in legis-
54 lative bills numbers S. 4585 and A. 1464-A, is amended to read as
55 follows:

1 4. No certificate of authority shall be issued unless [~~the commissioner~~
2 ~~er has approved~~] an application meeting the requirements of this section
3 and all other requirements established by law [~~including~~] has been
4 approved by:

5 a. (i) the superintendent of financial services as to the actuarial
6 principles involved, the financial feasibility of the facility, the form
7 and content of the proposed contracts to be entered into with residents
8 and insurance contracts between an operator and an insurer requiring the
9 insurer to assume, wholly or in part, the cost of medical or health
10 related services to be provided to a resident[~~, provided that the review~~
11 ~~may be conducted by the commissioner or the designee of such commissioner~~
12 ~~er, including any necessary independent actuarial review~~];

13 [~~b.~~] (ii) the superintendent of financial services as to the rates and
14 rating methodology, if any, to be used by the operator to determine any
15 entrance fee, monthly care fee and/or any separate charges for the hous-
16 ing component of the continuing care contract including but not limited
17 to a cooperative or condominium fee charged to the resident as proposed
18 in said operator's application for certificate of authority. Subsequent
19 increases in any entrance or monthly care fee in excess of fees calcu-
20 lated pursuant to the approved rating methodology shall require approval
21 of the [~~commissioner~~] superintendent. The term "rating methodology" as
22 used herein shall incorporate a combination of variables including but
23 not limited to a pricing structure for comparable services, projected
24 operating and health care costs and the applicable inflationary impact
25 thereon, projected income and occupancy rates and the refundability
26 component of the continuing care retirement contract;

27 [~~e.~~] (iii) the superintendent of financial services as to any monthly
28 care fee charged to a resident which may be increased or decreased
29 subject to approval by the [~~commissioner~~] superintendent of financial
30 services, provided, that monthly care fees may be increased or decreased
31 without specific approval as long as such increase or decrease does not
32 exceed a relevant cost index or indices which reflect all components of
33 continuing care including the costs associated with provision of health
34 care as determined and promulgated at least annually by the [~~commissioner~~
35 ~~er or the designee of such commissioner, including any necessary inde-~~
36 ~~pendent actuarial review~~] superintendent, and provided further that the
37 [~~commissioner~~] superintendent is notified of any such increase or
38 decrease prior to its taking effect;

39 [~~d. the requirement that an~~] (iv) an individual resident's monthly
40 care fee shall not be modified because of the increased need for
41 services of that resident;

42 [~~e.~~] b. the commissioner as to those aspects of the application relat-
43 ing to adult care facility beds, if any;

44 [~~f. review by~~] c. the public health and health planning council as to
45 the establishment of a skilled nursing facility by the applicant and as
46 to such other facilities and services as may require the public health
47 and health planning council's approval of the application; provided,
48 however, that the recommendations of the health systems agency having
49 geographical jurisdiction of the area where the continuing care retire-
50 ment community is located shall not be required with respect to the
51 establishment of an on-site or affiliated residential health care facil-
52 ity to serve residents as part of the continuing care retirement commu-
53 nity, for up to the total number of residential health care facility
54 beds provided for in subdivision five of this section in communities
55 statewide;

1 d. the commissioner under section twenty-eight hundred two of this
2 chapter; provided, [~~further~~] however, that, the recommendations of the
3 public health and health planning council and the health systems agency
4 having geographical jurisdiction of the area where the continuing care
5 retirement community is located shall not be required with respect to
6 the construction of an on-site or affiliated residential health care
7 facility to serve residents as part of the continuing care retirement
8 community, for up to the total number of residential health care facili-
9 ty beds provided for in subdivision five of this section in communities
10 statewide; and

11 [~~g. upon consultation with~~] e. the attorney general, as to those
12 aspects of the application relating to a cooperative, condominium or
13 other equity arrangement for the independent living unit, if any.

14 § 4. The opening paragraph of subdivision 6 of section 4604 of the
15 public health law, as amended by a chapter of the laws of 2025 amending
16 the public health law and the insurance law relating to promoting effi-
17 cient and effective oversight of continuing care retirement communities
18 and repealing certain provisions of such law relating thereto, as
19 proposed in legislative bills numbers S. 4585 and A. 1464-A, is amended
20 to read as follows:

21 If the [~~applicant has satisfied the criteria~~] approvals required by
22 subdivision four of this section have been obtained, the commissioner
23 shall either approve or reject the application. In order to approve the
24 application, the commissioner shall have determined that:

25 § 5. Section 4605-a of the public health law, as amended by a chapter
26 of the laws of 2025 amending the public health law and the insurance law
27 relating to promoting efficient and effective oversight of continuing
28 care retirement communities and repealing certain provisions of such law
29 relating thereto, as proposed in legislative bills numbers S. 4585 and
30 A. 1464-A, is amended to read as follows:

31 § 4605-a. Certificate of authority; authority to offer continuing care
32 at home contracts. A continuing care retirement community may offer
33 continuing care at home contracts upon approval by the commissioner to
34 amend the continuing care retirement community's certificate of authori-
35 ty. In order to qualify for an amendment to its certificate of authori-
36 ty, the continuing care retirement community shall submit to the commis-
37 sioner the following:

38 1. a business plan to the commissioner and the superintendent that
39 includes the following:

40 (a) a description of the continuing care at home services that will be
41 provided, the market that will be served by the continuing care at home
42 contracts, and the fees to be charged to prospective continuing care at
43 home contract holders;

44 (b) a copy of the proposed continuing care at home contract; and

45 (c) an actuarial study prepared by an independent actuary in accord-
46 ance with standards adopted by the American Academy of Actuaries demon-
47 strating the impact that the continuing care at home contracts will have
48 on the overall operations of the continuing care retirement community
49 and further demonstrating that the addition of continuing care at home
50 contracts will not jeopardize the financial solvency of the continuing
51 care retirement community.

52 2. a market feasibility study demonstrating to the commissioner and
53 the superintendent sufficient consumer interest in continuing care at
54 home contracts and further demonstrating that the addition of continuing
55 care at home contracts will not have an adverse impact on the provision
56 of services to continuing care retirement contract holders.

1 3. materials that meet all requirements established by the New York
2 state department of financial services.

3 4. a copy of the notification sent to continuing care retirement
4 contract holders describing the anticipated impact of the addition of
5 continuing care at home contracts on continuing care retirement communi-
6 ty resources and proof that such notification has been distributed to
7 all continuing care retirement contract holders.

8 § 6. Subdivision 3 of section 4605-b of the public health law, as
9 amended by a chapter of the laws of 2025 amending the public health law
10 and the insurance law relating to promoting efficient and effective
11 oversight of continuing care retirement communities and repealing
12 certain provisions of such law relating thereto, as proposed in legisla-
13 tive bills numbers S. 4585 and A. 1464-A, is amended to read as follows:

14 3. Conditions set forth by the New York state department of financial
15 services, based upon the [~~commissioner's~~] superintendent's assessment of
16 the following:

17 (a) the overall financial impact on the community; and

18 (b) the submitted materials set forth in section forty-six hundred
19 five-a of this article.

20 § 7. Section 4607 of the public health law, as amended by a chapter of
21 the laws of 2025 amending the public health law and the insurance law
22 relating to promoting efficient and effective oversight of continuing
23 care retirement communities and repealing certain provisions of such law
24 relating thereto, as proposed in legislative bills numbers S. 4585 and
25 A. 1464-A, is amended to read as follows:

26 § 4607. Annual statement. 1. Within four months of close of the oper-
27 ator's fiscal year, unless an extension of time to file has been grant-
28 ed, the operator shall file an annual statement with the commissioner
29 and superintendent showing the condition as of the last day of the
30 preceding calendar or fiscal year. If the commissioner [~~does~~] and super-
31 intendent do not receive the annual statement within four months of the
32 end of the operator's fiscal year or have not granted an extension of
33 time to file, the commissioner may charge a late fee.

34 2. The annual statement shall be in such form as the commissioner
35 prescribes and shall contain at least the following:

36 a. Any change in status with respect to the information required to be
37 submitted pursuant to section forty-six hundred four of this article;

38 b. Financial statements audited by an independent certified public
39 accountant, which shall contain, for two or more periods if the communi-
40 ty has been in existence that long, the following:

41 (i) an accountant's opinion and, in accordance with generally accepted
42 accounting principles:

43 (A) a balance sheet,

44 (B) a statement of income and expenses,

45 (C) a statement of equity or fund balances,

46 (D) a statement of changes in financial position,

47 (ii) notes to the financial statements considered customary or neces-
48 sary to ensure full disclosure of the financial statements, financial
49 condition, and operation;

50 c. A detailed listing of the assets maintained for the reserves;

51 d. A copy of the most recent actuarial review of the community,
52 including such information as may be required by the [~~commissioner~~]
53 superintendent including an opinion of a qualified consulting actuary,
54 as to the current and projected soundness of the community, provided
55 however that a new actuarial review must be submitted triennially; and

1 e. Such other reasonable financial and other information as the
2 commissioner and superintendent may require with respect to the operator
3 or the community, or its directors, controlling persons, trustees,
4 members, branches, subsidiaries or affiliates to determine the financial
5 status of the community and the management capabilities of the operator.

6 3. Sixty days before commencement of each calendar or fiscal year or
7 official opening date, whichever is applicable, each operator shall file
8 with the commissioner and superintendent a computation of the annual
9 long-term debt service and a projected annual revenue and expense summa-
10 ry for the next ten years.

11 § 8. Subdivision 1 of section 4658 of the public health law, as
12 amended by a chapter of the laws of 2025 amending the public health law
13 and the insurance law relating to promoting efficient and effective
14 oversight of continuing care retirement communities and repealing
15 certain provisions of such law relating thereto, as proposed in legisla-
16 tive bills numbers S. 4585 and A. 1464-A, is amended to read as follows:

17 1. Within four months of close of an operator's fiscal year, unless an
18 extension of time to file has been granted, the operator shall file an
19 annual statement with the commissioner showing the condition as of the
20 last day of the preceding calendar or fiscal year. If the commissioner
21 does not receive the annual statement within four months of the end of
22 the operator's fiscal year or has not granted an extension of time to
23 file, the [~~council~~] commissioner may charge a late fee.

24 § 9. Subdivision 16 of section 4608 of the public health law, as
25 amended by a chapter of the laws of 2025 amending the public health law
26 and the insurance law relating to promoting efficient and effective
27 oversight of continuing care retirement communities and repealing
28 certain provisions of such law relating thereto, as proposed in legis-
29 lative bills numbers S. 4585 and A. 1464-A, is amended to read as
30 follows:

31 16. A statement that any amendment to the contract and any change in
32 fees or charges, other than those within the guidelines of an approved
33 rating system, must be approved by the [~~commissioner~~] superintendent of
34 financial services;

35 § 10. Subdivisions 1 and 2 of section 4614 of the public health law,
36 as amended by a chapter of the laws of 2025 amending the public health
37 law and the insurance law relating to promoting efficient and effective
38 oversight of continuing care retirement communities and repealing
39 certain provisions of such law relating thereto, as proposed in legis-
40 lative bills numbers S. 4585 and A. 1464-A, are amended to read as
41 follows:

42 1. The commissioner, or designee; and the superintendent, or designee;
43 may at any time, and shall at least once every three years, visit each
44 community and examine the business of any applicant for a certificate of
45 authority and any operator engaged in the execution of continuing care
46 retirement contracts or continuing care at home contracts or engaged in
47 the performance of obligations under such contracts. Routine examina-
48 tions may be conducted by having documents designated by and submitted
49 to such [~~commissioner~~] commissioners or superintendent, which shall
50 include financial documents and records conforming to commonly accepted
51 accounting principles and practices. The final written report of each
52 such examination conducted by such [~~commissioner~~] commissioners or
53 superintendent shall be filed with the commissioner and, when so filed,
54 shall constitute a public record. A copy of each report shall be
55 provided to members of the continuing care retirement community council.
56 Any operator being examined shall, upon request, give reasonable and

1 timely access to all of its records. The representative or examiner
2 designated by the [~~commissioner~~] commissioners or superintendent,
3 respectively may, at any time, examine the records and affairs and
4 inspect the community's facilities, whether in connection with a formal
5 examination or not.

6 2. Any duly authorized officer, employee, or agent of the health
7 department, or department of financial services may, upon presentation
8 of proper identification, have access to, and inspect, any records main-
9 tained by the community relevant to the respective agency's regulatory
10 authority, with or without advance notice, to secure compliance with, or
11 to prevent a violation of, any provision of this article.

12 § 11. Paragraphs g and j of subdivision 1 of section 4615 of the
13 public health law, as amended by a chapter of the laws of 2025 amending
14 the public health law and the insurance law relating to promoting effi-
15 cient and effective oversight of continuing care retirement communities
16 and repealing certain provisions of such law relating thereto, as
17 proposed in legislative bills numbers S. 4585 and A. 1464-A, are amended
18 to read as follows:

19 g. The operator failed to comply with [~~, or violated, any proper order,~~
20 ~~rule or regulation of the council or violated~~] any provision of this
21 article;

22 j. The [~~commissioner~~] superintendent of financial services has made a
23 determination that the operator is insolvent within the meaning of
24 section one thousand three hundred nine of the insurance law; or

25 § 12. Paragraph g of subdivision 1 of section 4668 of the public
26 health law, as amended by a chapter of the laws of 2025 amending the
27 public health law and the insurance law relating to promoting efficient
28 and effective oversight of continuing care retirement communities
29 and repealing certain provisions of such law relating thereto, as
30 proposed in legislative bills numbers S. 4585 and A. 1464-A, is amended
31 to read as follows:

32 g. The operator failed to comply with, or violated, any proper order,
33 rule or regulation [~~of the council~~], or violated any provision of this
34 article;

35 § 13. Subdivision 1 of section 4623 of the public health law, as
36 amended by a chapter of the laws of 2025 amending the public health law
37 and the insurance law relating to promoting efficient and effective
38 oversight of continuing care retirement communities and repealing
39 certain provisions of such law relating thereto, as proposed in legisla-
40 tive bills numbers S. 4585 and A. 1464-A, is amended to read as follows:

41 1. The commissioner may approve an application for a certificate of
42 authority and may issue a certificate of authority for the establishment
43 and operation of a continuing care retirement community under an
44 arrangement which otherwise complies with the requirements of this arti-
45 cle except that the costs of nursing facility or home health care
46 services are paid for in whole or in part by (a) long term care insur-
47 ance obtained and paid for by the resident or by medical assistance
48 payments in accordance with the partnership for long term care program
49 pursuant to section three hundred sixty-seven-f of the social services
50 law and section three thousand two hundred twenty-nine of the insurance
51 law or (b) other group or individual long term care insurance approved
52 by the superintendent [~~and the council~~] in connection with the applica-
53 tion. The [~~council~~] commissioner, in consultation with the superinten-
54 dent, shall provide for adequate disclosure to residents of their
55 options, rights and obligations under such an arrangement, and shall

1 establish standards for the remittance and collection of premiums and
2 monthly care fees.

3 § 14. The opening paragraph of subdivision 5 of section 4655 of the
4 public health law, as amended by a chapter of the laws of 2025 amending
5 the public health law and the insurance law relating to promoting effi-
6 cient and effective oversight of continuing care retirement commu-
7 nities and repealing certain provisions of such law relating thereto,
8 as proposed in legislative bills numbers S. 4585 and A. 1464-A, is
9 amended to read as follows:

10 If the [~~applicant has satisfied the criteria~~] approvals required by
11 subdivision four-a of this section have been obtained, the commissioner
12 shall either approve or reject the application. In order to approve the
13 application, the commissioner shall have determined that:

14 § 15. Section 4611 of the public health law, as amended by a chapter
15 of the laws of 2025 amending the public health law and the insurance law
16 relating to promoting efficient and effective oversight of continuing
17 care retirement communities and repealing certain provisions of such
18 law relating thereto, as proposed in legislative bills numbers S. 4585
19 and A. 1464-A, is amended to read as follows:

20 § 4611. Reserves and supporting assets. 1. An operator shall maintain
21 reserve liabilities and supporting assets in an amount and for the
22 purposes set forth in a regulation issued by the [~~commissioner~~] super-
23 intendent of financial services. Liquid assets must be maintained for
24 the following reserve liabilities:

25 a. Principal and interest payments and payments for taxes and insur-
26 ance for up to twelve months;

27 b. Total estimated operating costs for up to six months as set by the
28 [~~commissioner~~] superintendent;

29 c. Repairs and replacements for up to twelve months; and

30 d. In addition, the amount of liquid assets must meet any cash flow
31 requirements and conditions as set forth in a regulation.

32 2. The assets in support of reserve liabilities of subdivision one of
33 this section shall meet quantitative and qualitative standards set forth
34 in regulations issued by the [~~commissioner~~] superintendent.

35 § 16. Section 1119 of the insurance law, as amended by a chapter of
36 the laws of 2025 amending the public health law and the insurance law
37 relating to promoting efficient and effective oversight of continu-
38 ing care retirement communities and repealing certain provisions of
39 such law relating thereto, as proposed in legislative bills numbers S.
40 4585 and A. 1464-A, is amended to read as follows:

41 § 1119. Limited exemption for continuing care retirement communities.

42 (a) An organization complying with the provisions of article forty-six
43 of the public health law may operate without being licensed under this
44 chapter and without being subject to any provisions of this chapter,
45 except to the extent that such organization must comply with the
46 provisions of this chapter by virtue of such article, and such organiza-
47 tion must comply with rules and regulations of the superintendent relat-
48 ing to:

49 (1) financial feasibility of the continuing care retirement community,

50 (2) actuarial principles established relating to such communities,

51 (3) approval of continuing care retirement contracts and the rates and
52 rating system, if any, for such contracts.

53 (b) The superintendent may promulgate regulations in effectuating the
54 purposes and the provisions of this chapter and article forty-six of the
55 public health law, which may include requirements applicable to the

1 contracts between a continuing care retirement community and its resi-
2 dents.

3 (c) Such organization shall be subject to the provisions of article
4 seventy-four of this chapter. Prior to commencing action under such
5 article seventy-four, the superintendent shall consult with the continu-
6 ing care retirement community council established pursuant to section
7 forty-six hundred two of the public health law.

8 § 17. Section 34 of a chapter of the laws of 2025 amending the public
9 health law and the insurance law relating to promoting efficient and
10 effective oversight of continuing care retirement communities and
11 repealing certain provisions of such law relating thereto, as proposed
12 in legislative bills numbers S. 4585 and A. 1464-A, is REPEALED.

13 § 18. Section 36 of a chapter of the laws of 2025 amending the public
14 health law and the insurance law relating to promoting efficient and
15 effective oversight of continuing care retirement communities and
16 repealing certain provisions of such law relating thereto, as proposed
17 in legislative bills numbers S. 4585 and A. 1464-A, is amended to read
18 as follows:

19 § 36. This act shall take effect immediately ~~[, provided, however, that~~
20 ~~sections three, nine, eleven, twelve, thirteen, twenty-eight and twen-~~
21 ~~ty-nine of this act shall take effect June 1, 2026. Effective imme-~~
22 ~~diately, the addition, amendment and/or repeal of any rule or regu-~~
23 ~~lation necessary for the implementation of this act on its effective~~
24 ~~date are authorized to be made and completed on or before such effective~~
25 ~~date].~~

26 § 19. This act shall take effect immediately; provided however, that
27 sections one, two, three, four, five, six, seven, eight, nine, ten,
28 eleven, twelve, thirteen, fourteen, fifteen and sixteen of this act
29 shall take effect on the same date and in the same manner as a chapter
30 of the laws of 2025 amending the public health law and the insurance law
31 relating to promoting efficient and effective oversight of continuing
32 care retirement communities and repealing certain provisions of such
33 law relating thereto, as proposed in legislative bills numbers S. 4585
34 and A. 1464-A, takes effect.