

# STATE OF NEW YORK

9323

## IN SENATE

February 27, 2026

Introduced by Sen. MARTINEZ -- 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 pediatric palliative care homes that would fall under the category of residential care facilities

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 as "pediatric pallia-  
2 tive care act".

3 § 2. The public health law is amended by adding new section 2801-I to  
4 read as follows:

5 § 2801-I. Pediatric palliative care centers. 1. For the purposes of  
6 this section, "pediatric palliative care patient" means an individual  
7 who:

8 (a) is under twenty-one years of age;

9 (b) has been diagnosed with a chronic, complex, life-threatening  
10 illness that is expected to shorten the individual's life expectancy;  
11 and

12 (c) is not expected to survive past twenty-one years of age.

13 2. Notwithstanding any other provision of law, the department shall  
14 establish a special classification within the residential care facility  
15 category to allow for the operation of residential care facilities which  
16 have the primary purpose of serving pediatric palliative care patients  
17 and that only provides respite care services and the services of a  
18 hospice program as defined in article forty of this chapter. A facility  
19 within the special classification established pursuant to this subdivi-  
20 sion shall be exempt from the requirements of section four thousand four  
21 of this chapter. The department shall adopt rules and regulations which  
22 shall include, but not be limited to, the following:

23 (a) A residential care facility within the special classification  
24 established pursuant to this subsection shall be referred to as a pedia-  
25 tric palliative care center.

26 (b) A licensed residential care facility within the special classi-  
27 fication established pursuant to this section shall be eligible for

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

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1 funding available to hospice programs licensed under article forty of  
2 this chapter, licensed residential care facilities that treat individ-  
3 uals with an illness or disability, including but not limited to funding  
4 from the federal social services block grant, the state supplementary  
5 assistance program, the hospice respite benefit, home and community  
6 based services waivers, any funding source for the care of children with  
7 medical fragility, and any benefit a nursing facility may be eligible  
8 for related to respite care services.

9 § 3. Section 2807 of the public health law is amended by adding a new  
10 subdivision 22 to read as follows:

11 22. (a) Notwithstanding any provision of law, rule or regulation to  
12 the contrary, and subject to the provisions of paragraph (b) of this  
13 subdivision and to the availability of federal financial participation,  
14 the commissioner shall establish or approve an enhanced rate methodology  
15 for pediatric palliative care centers established pursuant to section  
16 two thousand eight hundred one-I of this article, for the purposes of  
17 providing palliative care to children.

18 (b) To be eligible for the enhanced rate methodology established or  
19 approved pursuant to paragraph (a) of this subdivision, a pediatric  
20 palliative care center shall have process and outcomes standards that  
21 meet or exceed criteria set by section two thousand eight hundred one-j  
22 of this article.

23 § 4. This act shall take effect on the one hundred twentieth day after  
24 it shall have become a law. Effective immediately, the addition, amend-  
25 ment and/or repeal of any rule or regulation necessary for the implemen-  
26 tation of this act on its effective date are authorized to be made and  
27 completed on or before such effective date.