

STATE OF NEW YORK

11326

IN ASSEMBLY

May 11, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Lee) -- read once and referred to the Committee on Health

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:

(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:

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

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

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

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

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

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

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

18 (d) The operator shall not accept new residents, admissions, or trans-
19 fers for the nursing home, after the operator has submitted written
20 notice to the department that the operator intends to close the nursing
21 home, unless (i) each such new resident, admission or transfer is noti-
22 fied prior to acceptance of the intended date of closure, or (ii) the
23 operator's election to close the nursing home has been abandoned.

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

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

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

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

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

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

43 6. Nothing in this section shall prevent the commissioner from order-
44 ing or expediting temporary or permanent closure of a nursing home if
45 the commissioner deems such closure necessary to protect the health and
46 safety of the residents due to the operator's financial distress,
47 mismanagement, or malfeasance, or other factors that cause the operator
48 to be unable to safely operate the nursing home.

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