

# STATE OF NEW YORK

3329

2025-2026 Regular Sessions

## IN SENATE

January 24, 2025

Introduced by Sens. COONEY, ASHBY, CLEARE, GALLIVAN, ROLISON -- 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 certain rates of payment for services provided by assisted living programs

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

1 Section 1. Paragraph (a) of subdivision 6 of section 3614 of the  
2 public health law, as amended by section 4-a of part D of chapter 56 of  
3 the laws of 2012, is amended to read as follows:

4 (a) The commissioner shall, subject to the approval of the state  
5 director of the budget, establish capitated rates of payment for  
6 services provided by assisted living programs as defined by paragraph  
7 (a) of subdivision one of section four hundred sixty-one-1 of the social  
8 services law. Such rates of payment shall be related to costs incurred  
9 by residential health care facilities. The rates shall reflect the wage  
10 equalization factor established by the commissioner for residential  
11 health care facilities in the region in which the assisted living  
12 program is provided and real property capital construction costs associ-  
13 ated with the construction of a free-standing assisted living program  
14 such rate shall include a payment equal to the cost of interest owed and  
15 depreciation costs of such construction. The rates shall also reflect  
16 the efficient provision of a quality and quantity of services to  
17 patients in such residential health care facilities, with needs compara-  
18 ble to the needs of residents served in such assisted living programs.  
19 Such rates of payment shall be equal to fifty percent of the amounts  
20 which otherwise would have been expended, based upon the [~~mean prices~~]  
21 ~~costs~~ for [~~the first of July, nineteen hundred ninety two (utilizing~~  
22 ~~nineteen hundred eighty three costs)~~] two thousand twenty-four for free-  
23 standing[, ~~low intensity~~] residential health care facilities with less  
24 than three hundred beds[, ~~and for years subsequent to nineteen hundred~~

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

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1 ~~ninety-two,~~] adjusted for inflation in accordance with the provisions of  
2 subdivision ten of section twenty-eight hundred seven-c of this chapter,  
3 to provide the appropriate level of care for such residents in residen-  
4 tial health care facilities in the applicable wage equalization factor  
5 regions plus an amount equal to capital construction costs associated  
6 with the construction of an assisted living program facility as provided  
7 for in this subdivision. Such rates of payment shall be updated to  
8 reflect the most current mean price for free standing residential health  
9 care facilities with less than three hundred beds each time that the  
10 cost basis of residential health care facility rates is updated. The  
11 commissioner shall also promulgate regulations, and may promulgate emer-  
12 gency regulations, to provide for reimbursement of the cost of preadmis-  
13 sion assessments conducted directly by assisted living programs.  
14 § 2. This act shall take effect on the first of April next succeeding  
15 the date on which it shall have become a law.