STATE OF NEW YORK

776

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the public health law, in relation to medically fragile young adults; to amend a chapter of the laws of 2024 amending the public health law relating to medically fragile young adults and pediatric specialized nursing facilities, as proposed in legislative bills numbers S. 5969-A and A. 3674-A, in relation to the effectiveness thereof

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

Section 1. Section 2831 of the public health law, as added by a chapter of the laws of 2024 amending the public health law relating to medically fragile young adults and pediatric specialized nursing facilities, as proposed in legislative bills numbers S. 5969-A and A. 3674-A, is amended to read as follows:

§ 2831. Medically fragile young adults. 1. For purposes of this section, "medically fragile young adults" shall [~~have the same meaning as the term "medically fragile children" as set forth in subdivision three-a of section thirty-six hundred fourteen of this chapter and shall include medically fragile young adults who currently reside at a pediatric specialized nursing facility and are over twenty-one years of age~~] **mean individuals who meet the definition of children with medical fragility, but for the fact such individuals are aged between twenty-one and thirty-five years old**.

2. The department shall promulgate rules and regulations to allow medically fragile young adults who reside in pediatric specialized nursing facilities to remain at such facilities [~~after reaching the age of twenty-one and until they reach the age of thirty-six~~]. Unless a higher reimbursement rate is expressly authorized by the department, the reimbursement rate and methodology for such medically fragile young

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

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adults shall remain the same as it was prior to reaching age twenty-one and shall include a daily per diem rate and coverage for bed holds. Medicaid reimbursement for this population for reserved beds due to hospitalization and for therapeutic and hospice leaves of absence must remain at one hundred percent of the Medicaid rate of medically fragile children, without any daily limit for this population.

3. This section shall be effective if, and as long as, federal financial participation is available therefor.

§ 2. Section 2 of a chapter of the laws of 2024 amending the public health law relating to medically fragile young adults and pediatric specialized nursing facilities, as proposed in legislative bills numbers S. 5969-A and A. 3674-A, is amended to read as follows:

§ 2. This act shall take effect [~~on the one hundred twentieth day~~] **nine months** after it shall have become a law. 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 date.

§ 3. This act shall take effect immediately; provided however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the public health law relating to medically fragile young adults and pediatric specialized nursing facilities, as proposed in legislative bills numbers S. 5969-A and A. 3674-A, takes effect.