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:

Section 1. Short title. This act shall be known as "pediatric palliative care act".

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

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

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

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

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

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

(a) A residential care facility within the special classification established pursuant to this subsection shall be referred to as a pediatric palliative care center.

(b) A licensed residential care facility within the special classification 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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funding available to hospice programs licensed under article forty of this chapter, licensed residential care facilities that treat individuals with an illness or disability, including but not limited to funding from the federal social services block grant, the state supplementary assistance program, the hospice respite benefit, home and community based services waivers, any funding source for the care of children with medical fragility, and any benefit a nursing facility may be eligible for related to respite care services.

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

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

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

§ 4. This act shall take effect on the one hundred twentieth day 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 effective date.