§ 2999-hh. Medical respite program. 1. Definitions. As used in this article, the following terms shall have the following meanings, unless the context clearly otherwise requires:

(a) "Medical respite program" means a not-for-profit corporation certified pursuant to subdivision two of this section to serve recipients whose prognosis or diagnosis necessitates the receipt of:

(i) Temporary room and board; and

(ii) The provision or arrangement of the provision of health care and support services; provided, however, that the operation of a medical respite program shall be separate and distinct from any housing programs offered to individuals who do not qualify as recipients.

(b) "Recipient" means an individual who:

(i) Has a qualifying health condition that requires treatment or care;

(ii) Does not require hospital inpatient, observation unit, or emergency room level of care, or a medically indicated emergency department or observation visit; and

(iii) Is experiencing homelessness or at imminent risk of homelessness. A person shall be deemed "homeless" if they lack a fixed, regular and adequate nighttime residence in a location ordinarily used as a regular sleeping accommodation for people; provided, however, that an operator of a medical respite program shall be permitted to specialize by providing services to a subpopulation of homeless recipients if necessary to respond to community need or ensure the availability of a funding source that will support the medical respite program's operations, and such limitations are otherwise consistent with any rules or regulations made pursuant to this section.

2. Certification. (a) Notwithstanding any inconsistent provision of law, the commissioner may certify a not-for-profit corporation as an operator of a medical respite program.

(b) The commissioner may make regulations to establish procedures to review and approve applications for a certification pursuant to this article, which shall, at a minimum, specify standards for: recipient eligibility; medical respite program services that shall be provided; physical environment; staffing; and policies and procedures governing health and safety, length of stay, referrals, discharge, and coordination of care.

3. Operating standards; responsibility for standards. (a) Medical respite programs certified pursuant to this article shall:

(i) Provide recipients with temporary room and board; and

(ii) Provide, or arrange for the provision of, health care and support services to recipients.

(b) Nothing in this article shall affect the application, qualification, or requirements that may apply to an operator with respect to any other licenses or operating certificates that such operator may hold, including, without limitation, under article twenty-eight of this chapter or article seven of the social services law.

4. Temporary accommodation. A medical respite program shall be considered a form of emergency shelter or temporary shelter for purposes of determining a recipient's eligibility for housing programs or benefits administered by the state or by a local social services district, including programs or benefits that support access to accommodations of a temporary, transitional, or permanent nature. No claim of recovery shall accrue against a recipient to recover the cost of care and services provided under this article. Care and services provided under this article shall not be deemed public benefits that would affect a recipient's immigration status under federal law.

5. Inspections and compliance. The commissioner shall have the authority to inquire into the operation of any certified medical respite program and to conduct periodic inspections of facilities with respect to the fitness and adequacy of the premises, equipment, personnel, rules and by-laws, standards of medical care and services, system of accounts, records, and the adequacy of financial resources and sources of future revenues.

6. Suspension or revocation of certification. (a) A certification for a medical respite program may be revoked, suspended, limited, annulled or denied by the commissioner, in consultation with either the commissioners of the office of mental health, the office of temporary and disability assistance, or the office of addiction services and

supports, as appropriate based on a determination of the department depending on the diagnosis or stated needs of the individuals being served or proposed to be served in the medical respite program, if an operator is determined to have failed to comply with this article or the rules and regulations made pursuant to this section. No action taken against an operator under this subdivision shall affect an operator's other licenses or certifications; provided however, that the facts that gave rise to the revocation, suspension, limitation, annulment or denial of certification may also form the basis of a limitation, suspension of revocation of such other licenses or certifications.

(b) No medical respite program certification shall be revoked, suspended, limited, annulled or denied without a hearing; provided that a certification may be temporarily suspended or limited without a hearing for a period not in excess of thirty days upon written notice that the continuation of the medical respite program places the health or safety of the recipients in imminent danger, and that the action is in the interest of the recipients. However, the department shall not make a determination until the program has had a reasonable opportunity, following the initial determination that the program places the health or safety of the recipients in imminent danger, to correct its deficiencies and following this period, which shall be up to thirty calendar days, has been given written notice and opportunity for hearing.

(c) Nothing in this section shall prevent the commissioner from imposing sanctions or penalties on a medical respite program that are authorized under any other law or regulation.

7. The commissioner shall promulgate regulations to implement this article.