



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO #214

December 18, 2017

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 7727-A, entitled:

"AN ACT to amend the social services law, in relation to establishing a certificate of need process for the assisted living program; and to establish a moratorium on the authorization of new assisted living programs in certain cases"

NOT APPROVED

The bill would amend the Social Services Law to establish a certificate of need (CON) process for approving new Medicaid Assisted Living Program (ALP) slots. An ALP is a Medicaid funded assisted living setting that combines residential and home care services for medically appropriate individuals as an alternative to their placement in a nursing home.

While I fully support the intent of this bill and recognize the importance of the ALP in the delivery of long term care, the legislation would expand the number of ALP slots beyond existing budget allocations without identifying any source of funding, which would make the bill impossible to implement. Further, at a time when the federal Government has enacted, and is threatening additional, devastating cuts to the State's health care system, it would be irresponsible to incur such unbudgeted costs at this time. The amendments proposed in the bill should be discussed within the context of the budget. For these reasons, I am constrained to veto this bill. However, I am directing the Department of Health to engage the Legislature in discussions about the adequacy of ALP slots as well as the Department's process for review and approval of ALP slot applications within the context of the State budget.

The bill is disapproved.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".