



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO #32

November 22, 2024

TO THE ASSEMBLY:

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

Assembly Bill Number 6034-B, entitled:

“AN ACT to amend the public health law, in relation to expanding the scope of the temporary operator program”

NOT APPROVED

This bill would extend the law authorizing temporary operators for certain health care facilities. Although the bill is aimed at nursing homes, it would also extend to midwifery birth centers, hospital extension clinics and ambulatory surgery centers.

Existing laws provide a comprehensive regulatory scheme for troubled nursing homes, and this legislation would create conflicting requirements that cause confusion without additional regulatory benefits. Public Health Law § 2806-b allows the Commissioner of the Department of Health to revoke a nursing home’s operating certificate and seek authority to appoint a caretaker. Public Health Law § 2810 authorizes the Commissioner to petition a court to appoint a receiver to operate a facility until a new operator can be established. And Federal regulations in 42 C.F.R. § 488.415 allow for either the Federal Centers for Medicare and Medicaid Services, or the state, to appoint a temporary manager to address quality issues.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

Kathy Hochul