

713

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the public health law and the social services law, in relation to notification of death of persons receiving public assistance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The public health law is amended by adding a new section  
2     4148 to read as follows:  
3     S 4148. NOTIFICATION OF DEATH; PERSONS RECEIVING PUBLIC ASSISTANCE. 1.  
4     FOR PURPOSES OF THIS SECTION, THE TERM "COMPETENT PERSON ACQUAINTED WITH  
5     THE FACTS OF SUCH DEATH" SHALL MEAN:  
6     A. THE FUNERAL DIRECTOR, UNDERTAKER OR PERSON HAVING CHARGE OF THE  
7     BODY WHEN DEATH OCCURS WITHOUT MEDICAL ATTENTION; OR  
8     B. THE ATTENDING PHYSICIAN OR HOSPITAL WHEN DEATH OCCURS WITH MEDICAL  
9     ATTENTION OR IN A HOSPITAL.  
10    2. UPON THE DEATH OF ANY PERSON, A COMPETENT PERSON ACQUAINTED WITH  
11    THE FACTS OF SUCH DEATH SHALL, WITHIN TWENTY-FOUR HOURS OF SUCH DEATH,  
12    NOTIFY THE DEPARTMENT OF SOCIAL SERVICES REGARDING SUCH DEATH. SUCH  
13    NOTIFICATION SHALL BE MADE VIA THE DEPARTMENT OF SOCIAL SERVICES WEBPAGE  
14    ON THE INTERNET OR BY USE OF A TOLL-FREE TELEPHONE NUMBER ESTABLISHED BY  
15    THE COMMISSIONER OF SOCIAL SERVICES PURSUANT TO SUBDIVISION (I) OF  
16    SECTION SEVENTEEN OF THE SOCIAL SERVICES LAW. SUCH NOTIFICATION SHALL  
17    INCLUDE THE NAME, ADDRESS, BIRTH DATE AND SOCIAL SECURITY NUMBER OF SUCH  
18    DECEASED PERSON.  
19    S 2. Subdivision (i) of section 17 of the social services law, as  
20    relettered by section 1 of part K-3 of chapter 57 of the laws of 2007,  
21    is relettered subdivision (j) and a new subdivision (i) is added to read  
22    as follows:

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

LBD01995-01-1

1 (I) ESTABLISH A HOTLINE FOR THE RECEIPT OF NOTIFICATION OF DEATH  
2 REQUIRED BY SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THE PUBLIC HEALTH  
3 LAW. SUCH HOTLINE SHALL PROVIDE ACCESS TO THE DEPARTMENT VIA THE DEPART-  
4 MENT WEBPAGE ON THE INTERNET OR BY A TOLL-FREE TELEPHONE NUMBER. ACCESS  
5 TO SUCH HOTLINE SHALL BE LIMITED TO PERSONS SET FORTH IN SUBDIVISION ONE  
6 OF SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THE PUBLIC HEALTH LAW, AND  
7 SHALL BE ACCESSED ONLY BY MEANS OF A PASSWORD, CODE OR OTHER SECURE  
8 METHOD PROVIDED BY THE DEPARTMENT. UPON RECEIPT OF ANY NOTIFICATION OF  
9 DEATH, THE DEPARTMENT SHALL DETERMINE IF SUCH DECEASED PERSON WAS A  
10 RECIPIENT OF PUBLIC ASSISTANCE AND IMMEDIATELY CEASE THE PAYMENT OF SUCH  
11 PUBLIC ASSISTANCE WHEN APPROPRIATE.

12 S 3. This act shall take effect on the thirtieth day after it shall  
13 have become a law.