S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sens. OPPENHEIMER, DIAZ, KRUEGER, SAMPSON -- 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 hospital domestic violence policies and procedures

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

Section 1. The public health law is amended by adding a new section 2805-u to read as follows:

S 2805-U. HOSPITAL DOMESTIC VIOLENCE POLICIES AND PROCEDURES. 1. EVERY GENERAL HOSPITAL SHALL: (A) DEVELOP, MAINTAIN AND DISSEMINATE WRITTEN POLICIES AND PROCEDURES FOR THE IDENTIFICATION, ASSESSMENT, TREATMENT AND REFERRAL OF CONFIRMED OR SUSPECTED CASES OF DOMESTIC VIOLENCE; (B) ESTABLISH, AND IMPLEMENT ON AN ONGOING BASIS, A TRAINING PROGRAM FOR ALL CURRENT AND NEW EMPLOYEES REGARDING THE POLICIES AND PROCEDURES ESTABLISHED PURSUANT TO THIS SECTION; (C) DESIGNATE A STAFF MEMBER TO COORDINATE SERVICES TO VICTIMS OF DOMESTIC VIOLENCE; AND (D) CONTACT THE DOMESTIC VIOLENCE OR VICTIM ASSISTANCE ORGANIZATION PROVIDING VICTIM ASSISTANCE TO THE GEOGRAPHIC AREA SERVED BY SUCH HOSPITAL TO ESTABLISH THE COORDINATION OF SERVICES TO DOMESTIC VIOLENCE VICTIMS.

2. UPON ADMITTANCE OR COMMENCEMENT OF TREATMENT OF A CONFIRMED OR SUSPECTED DOMESTIC VIOLENCE VICTIM, SUCH HOSPITAL SHALL ADVISE THE VICTIM OF THE AVAILABILITY OF THE SERVICES OF A BATTERED WOMEN'S OR VICTIM ASSISTANCE ORGANIZATION. IF AFTER RECEIVING SUCH ADVICE THE DOMESTIC VIOLENCE VICTIM WISHES THE PRESENCE OF A DOMESTIC VIOLENCE OR VICTIM ASSISTANCE ADVOCATE, SUCH HOSPITAL SHALL CONTACT THE APPROPRIATE ORGANIZATION AND REQUEST THAT ONE BE PROVIDED.

3. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE NECESSARY AND PROPER TO CARRY OUT EFFECTIVELY THE PROVISIONS OF THIS SECTION. PRIOR TO PROMULGATING SUCH RULES AND REGULATIONS, THE COMMIS-

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

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SIONER SHALL CONSULT WITH THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE AND OTHER SUCH PERSONS AS THE COMMISSIONER DEEMS NECESSARY.

S 2. This act shall take effect January 1, 2012. Effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.