

4736

2013-2014 Regular Sessions

I N S E N A T E

April 19, 2013

Introduced by Sen. HOYLMAN -- 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 requiring all assisted living facilities to have a defibrillator, requiring that at least two persons on each shift at assisted living facilities be trained in CPR, requiring that CPR must be performed when needed and providing that anyone who in good faith performs CPR will be exempt from any liability

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 3000-e to read as follows:
3 S 3000-E. AUTOMATED EXTERNAL DEFIBRILLATORS; ASSISTED LIVING RESI-
4 DENCE. 1. EACH ASSISTED LIVING RESIDENCE, AS DEFINED IN SECTION
5 FORTY-SIX HUNDRED FIFTY-ONE OF THIS CHAPTER, SHALL BE EQUIPPED WITH AND
6 MAINTAIN AUTOMATED EXTERNAL DEFIBRILLATORS AS DEFINED IN PARAGRAPH (A)
7 OF SUBDIVISION ONE OF SECTION THREE THOUSAND-B OF THIS ARTICLE. THE
8 OWNERS OR OPERATORS OF SUCH ASSISTED LIVING RESIDENCE SHALL PROVIDE SUCH
9 AUTOMATED EXTERNAL DEFIBRILLATORS IN QUANTITIES DEEMED NECESSARY BY THE
10 COMMISSIONER. SUCH EQUIPMENT SHALL BE READILY ACCESSIBLE FOR USE DURING
11 MEDICAL EMERGENCIES. ANY INFORMATION DEEMED NECESSARY BY THE COMMISSION-
12 ER SHALL ACCOMPANY SUCH EQUIPMENT.
13 2. A MINIMUM OF TWO EMPLOYEES ON EACH WORK SHIFT AT AN ASSISTED LIVING
14 FACILITY SHALL BE TRAINED IN CARDIOPULMONARY RESUSCITATION (CPR) AND IN
15 THE USE OF THE FACILITY DEFIBRILLATORS BY A NATIONALLY-RECOGNIZED ORGAN-
16 IZATION, AS DEFINED IN PARAGRAPH (D) OF SUBDIVISION ONE OF SECTION THREE
17 THOUSAND-B OF THIS ARTICLE. CARDIOPULMONARY RESUSCITATION (CPR) MEASURES
18 SHALL BE TAKEN IN EVERY INSTANCE WHEN THEY ARE WARRANTED; PROVIDED,
19 HOWEVER, THAT NO SUCH MEASURES NEED BE TAKEN ON ANY PERSON WHO HAS
20 PREVIOUSLY FILED A VALIDLY-EXECUTED "DO NOT RESUSCITATE", WHETHER INCOR-

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

LBD09904-01-3

1 PORATED IN A LIVING WILL OR NOT, ORDER WITH THE ASSISTED LIVING FACILI-
2 TY.
3 3. ANY PERSON WHO, IN GOOD FAITH, PERFORMS CARDIOPULMONARY RESUSCI-
4 TATION (CPR) PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE EXEMPT
5 FROM ANY CIVIL OR CRIMINAL LIABILITY ARISING FROM HIS OR HER ACTIONS IN
6 PERFORMING THE CARDIOPULMONARY RESUSCITATION (CPR).
7 S 2. This act shall take effect on the one hundred eightieth day after
8 it shall have become a law; provided, however that effective immediate-
9 ly, the addition, amendment and/or repeal of any rule or regulation
10 necessary for the implementation of this act on its effective date are
11 authorized and directed to be made and completed on or before such
12 effective date.