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

5818

2013-2014 Regular Sessions

I N S E N A T E

June 17, 2013

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

AN ACT in relation to the formulation and implementation of a statewide plan for evacuation and disaster and emergency preparedness plans at nursing homes and assisted living facilities, requiring inspections of such facilities to ensure compliance with the state-wide plan and requiring the department of health to prepare a report including recommendations and guidelines relative to the existence, placement, and maintenance of emergency power equipment in hospitals and other facilities licensed under article 28 of the public health law

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

Section 1. Within one year of the effective date of this act the department of health, in consultation with the office for the aging and the emergency management office of the department of homeland security and emergency services shall conduct a comprehensive review of recommendations made in the following reports: the Department of Health and Human Services, "Supplemental Information Regarding the Centers for Medicare & Medicaid Services Emergency Preparedness Checklist for Health Care Facilities" (OEI-06-09-00271) (April 13, 2012); the Department of Health and Human Services report "Gaps Continue to Exist in Nursing Home Emergency Preparedness and Response During Disasters" (OEI-06-09-00270) (March 2012); Manhattan Borough President Scott M. Stringer's Report "No Way Out: An Analysis of the New York State Department of Health's Role in Preparing Nursing Homes For Emergencies" (December 2006); and the Assembly Committee on Corporations, Authorities and Commission's "Final Report on New York City Emergency Response and Evacuation Plans in the Event of a Weather-Related Emergency" (March 23, 2006). Upon such review, such agencies may request any additional supporting information or input from stakeholders, facility residents, advocacy groups, facility operators, and any government or public entity deemed relevant,

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

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including, but not limited, to the office of long term care ombudsman. As part of this review, such agencies may focus an additional study on the evacuation of nursing homes and assisted living facilities during Hurricane Sandy with the goal of developing regulations to address problems.

S 2. Within one year of the completion of such review the department of health shall issue a report detailing any statutory or regulatory changes it recommends to facilitate a comprehensive statewide plan for evacuation and disaster and emergency preparedness plans at nursing homes and assisted living facilities.

S 3. The commissioner of the department of health shall establish and implement an inspection system whereby all nursing homes and assisted living facilities are reviewed for compliance with regulations pertaining to evacuation, disaster and emergency preparedness plans every six months. The commissioner shall ensure that investigators conducting inspections are regularly trained on the assessment of facilities and compliance with all regulations.

S 4. Within one year of the effective date of this act, the department of health, in consultation with the emergency management office of the department of homeland security and emergency services, shall study the placement and maintenance of emergency power equipment in all hospitals, clinics and other facilities licensed under article 28 of the public health law. Within one year of the effective date of this act such agencies shall prepare a report including recommendations and guidelines relative to the existence, placement and maintenance of emergency power equipment in such facilities and any recommendations for modifying or improving the availability, use and effectiveness of such equipment, and a determination of the cost of such implementation and improvements. Such report shall be provided to the governor, the speaker of the assembly, the temporary president of the senate, the assembly minority leader, and the senate minority leader.

S 5. This act shall take effect immediately.