

6692--A

I N   S E N A T E

February 5, 2016

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Introduced by Sens. LANZA, CROCI, GALLIVAN, HANNON, PERSAUD, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to provisions for home-care and hospice in comprehensive emergency management plans

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

- 1     Section 1. Subdivision 1 of section 23 of the executive law, as  
2 amended by section 4 of part B of chapter 56 of the laws of 2010, is  
3 amended to read as follows:  
4     1. Each county, except those contained within the city of New York,  
5 and each CITY WITH A POPULATION OF ONE MILLION OR MORE, SHALL PREPARE A  
6 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN. EACH city WITH A POPULATION OF  
7 LESS THAN ONE MILLION, town and village is authorized to prepare A  
8 comprehensive emergency management [plans] PLAN. The disaster prepared-  
9 ness commission shall provide assistance and advice for the development  
10 of such plans. [City] EACH CITY WITH A POPULATION OF LESS THAN ONE  
11 MILLION, town and village [plans] PLAN shall be coordinated with the  
12 county plan.  
13     S 2. Subdivision 5 of section 23 of the executive law, as amended by  
14 section 4 of part B of chapter 56 of the laws of 2010, is amended to  
15 read as follows:  
16     5. In preparing such plans, cooperation, advice and assistance shall  
17 be sought from local government officials, regional and local planning  
18 agencies, police agencies, fire departments and fire companies, local  
19 emergency management agencies, commercial and volunteer ambulance  
20 services, health and social services officials, community action agen-  
21 cies, the chief administrator of the courts, organizations for the  
22 elderly and the handicapped, AGENCIES AND ORGANIZATIONS THAT PROVIDE  
23 HOME HEALTH CARE SERVICES, AGENCIES AND ORGANIZATIONS THAT PROVIDE  
24 HOSPICE SERVICES, other interested groups and the general public. Such

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

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1 advice and assistance may be obtained through public hearings held on  
2 public notice, or through other appropriate AND PRACTICAL methods.

3 S 3. Subparagraphs 17 and 18 of paragraph b of subdivision 7 of  
4 section 23 of the executive law, as amended by section 4 of part B of  
5 chapter 56 of the laws of 2010, are amended and a new subparagraph 19 is  
6 added to read as follows:

7 (17) continued operation of governments of political subdivisions;  
8 [and]

9 (18) utilization and coordination of programs to assist individuals  
10 with household pets and service animals following a disaster, with  
11 particular attention to means of evacuation, shelter and transportation  
12 options[.]; AND

13 (19) PROCEDURES FOR ALLOWING ACCESS BY PHYSICIANS, NURSES, OTHER  
14 MEDICAL PROFESSIONALS, PERSONNEL OF CERTIFIED HOME HEALTH AGENCIES, LONG  
15 TERM HOME HEALTH CARE PROGRAMS OR LICENSED HOME CARE SERVICES AGENCIES  
16 GOVERNED UNDER ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW, AND PERSON-  
17 NEL OF HOSPICES CERTIFIED PURSUANT TO ARTICLE FORTY OF THE PUBLIC HEALTH  
18 LAW OR ANY OTHER PERSONNEL DEEMED NECESSARY TO PROVIDE VITAL HEALTH CARE  
19 TO INDIVIDUALS IN THEIR CARE; SUCH PROCEDURES SHALL ALSO ADDRESS HOW  
20 SUCH PROFESSIONALS AND PERSONNEL WILL BE REQUIRED TO BE IDENTIFIED IN  
21 ORDER TO GAIN ACCESS TO AREAS WHERE ACCESS HAS OTHERWISE BEEN RESTRICTED  
22 OR SUBJECT TO CURFEW IN DECLARED EMERGENCIES. SUCH PROCEDURES SHALL  
23 ENSURE THAT ACCESS BY SUCH PROFESSIONALS AND PERSONNEL IN AREAS WHERE  
24 ACCESS HAS OTHERWISE BEEN RESTRICTED OR SUBJECT TO CURFEW SHALL NOT BE  
25 CONSTRUED TO PROHIBIT LOCAL EMERGENCY MANAGEMENT OFFICIALS FROM DENYING  
26 SUCH ACCESS WHEN IN THEIR DISCRETION CONDITIONS NECESSITATE SUCH A  
27 DENIAL.

28 S 4. Each county, and each city with a population of one million or  
29 more, that on the effective date of this act has already prepared a  
30 comprehensive emergency management plan shall revise such plan in the  
31 event such revisions are needed to comply with the provisions of this  
32 act, and shall submit such revised plan to the division of homeland  
33 security and emergency services on or before the one hundred eightieth  
34 day after the effective date of this act.

35 S 5. Paragraph a of subdivision 1 of section 24 of the executive law,  
36 as added by chapter 640 of the laws of 1978, is amended to read as  
37 follows:

38 a. the establishment of a curfew and the prohibition and control of  
39 pedestrian and vehicular traffic, except essential emergency vehicles  
40 and personnel, AND AS CONSISTENT WITH THIS ARTICLE;

41 S 6. This act shall take effect immediately.