

STATE OF NEW YORK

7846

2017-2018 Regular Sessions

IN ASSEMBLY

May 17, 2017

Introduced by M. of A. GOTTFRIED, LUPARDO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring that a hospice program providing hospice care in a patient's home shall comply with the home care services worker registry

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (a) of subdivision 1 of section 3613 of the
2 public health law, as amended by chapter 471 of the laws of 2016, is
3 amended to read as follows:

4 (a) "Home care services entity" means a home care services agency or
5 other entity providing home care services subject to this article or
6 exempt under section thirty-six hundred nineteen of this article, [~~a~~
7 ~~hospice program certified pursuant to article forty of this chapter~~
8 ~~providing routine care at home under the hospice benefit,~~] or an
9 enhanced assisted living residence licensed under article seven of the
10 social services law and certified under article forty-six-B of this
11 chapter providing enhanced assisted living services. A hospice program
12 under article forty of this chapter providing hospice care in a
13 patient's home shall be considered a home care services entity only for
14 the purpose of compliance with the home care services worker registry.

15 § 2. The public health law is amended by adding a new section 4013-b
16 to read as follows:

17 § 4013-b. Home care services worker registry. A hospice program
18 providing hospice care in a patient's home shall comply with the home
19 care services worker registry under section thirty-six hundred thirteen
20 of this chapter.

21 § 3. Subdivision 10 of section 2899-a of the public health law, as
22 amended by chapter 94 of the laws of 2014, is amended to read as
23 follows:

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

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1 10. Notwithstanding subdivision eleven of section eight hundred
2 forty-five-b of the executive law, a certified home health agency,
3 licensed home care services agency or long term home health care program
4 certified, licensed or approved under article thirty-six of this chapter
5 or a home care services agency exempt from certification or licensure
6 under article thirty-six of this chapter, a hospice program under arti-
7 cle forty of this chapter, or an adult home, enriched housing program or
8 residence for adults licensed under article seven of the social services
9 law, may temporarily approve a prospective employee while the results of
10 the criminal history information check and the determination are pend-
11 ing, upon the condition that the provider conducts appropriate direct
12 observation and evaluation of the temporary employee, while he or she is
13 temporarily employed, and the care recipient. The results of such obser-
14 vations shall be documented in the temporary employee's personnel file
15 and shall be maintained. For purposes of providing such appropriate
16 direct observation and evaluation, the provider shall utilize an indi-
17 vidual employed by such provider with a minimum of one year's experience
18 working in an agency certified, licensed or approved under article thir-
19 ty-six of this chapter or an adult home, enriched housing program or
20 residence for adults licensed under article seven of the social services
21 law. If the temporary employee is working under contract with another
22 provider certified, licensed or approved under article thirty-six of
23 this chapter, such contract provider's appropriate direct observation
24 and evaluation of the temporary employee, shall be considered sufficient
25 for the purposes of complying with this subdivision.

26 § 4. This act shall take effect immediately; provided that the amend-
27 ments to paragraph (a) of subdivision 1 of section 3613 of the public
28 health law made by section one of this act shall be subject to the expi-
29 ration and reversion of such paragraph and shall expire and be deemed
30 repealed therewith.