

STATE OF NEW YORK

8697

2017-2018 Regular Sessions

IN ASSEMBLY

October 5, 2017

Introduced by M. of A. TITONE, GOTTFRIED -- Multi-Sponsored by -- M. of A. WEINSTEIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting mandatory arbitration clauses in contracts with residential health care facilities and residents of such facilities

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 2801-h to read as follows:

3 § 2801-h. Mandatory arbitration clause in residential health care
4 facility contracts prohibited. 1. No contract between a residential
5 health care facility and a resident or their representative shall
6 contain a mandatory arbitration clause.

7 2. Definitions. a. The term "mandatory arbitration clause" shall mean
8 a term or provision contained in a written contract between a residen-
9 tial health care facility and a resident or their representative that
10 requires the parties to such contract to submit any controversy there-
11 after arising under such contract to arbitration prior to the commence-
12 ment of any legal action to enforce the provisions of such contract.

13 b. The term "arbitration" shall mean the use of a decision making
14 forum conducted by an arbitrator or panel of arbitrators within the
15 meaning and subject to the provisions of article seventy-five of the
16 civil practice law and rules.

17 § 2. This act shall take effect immediately.

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

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