

STATE OF NEW YORK

8289 --A

IN SENATE

May 6, 2020

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring residential health care facilities to submit an annual pandemic emergency plan to the commissioner of health

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

1 Section 1. Section 2803 of the public health law is amended by adding
2 a new subdivision 12 to read as follows:

3 12. (a) Each residential health care facility shall, no later than
4 January first, two thousand twenty-one and annually thereafter, submit
5 to the commissioner for approval a pandemic emergency plan which shall
6 include but not be limited to:

7 (i) a communication plan to update authorized family members and guar-
8 dians of infected patients twice per day on a patient's condition and at
9 least once a week to update all patients and authorized families and
10 guardians on the number of infections and deaths at the facility;

11 (ii) protection plans against infection for staff, patients and fami-
12 lies, including:

13 (A) a plan for hospitalized patients to be readmitted to such residen-
14 tial health care facility after treatment; and

15 (B) a plan for such residential health care facility to maintain or
16 contract to have access to at least a two-month supply of personal
17 protective equipment; and

18 (iii) a plan for preserving a patient's place in a residential health
19 care facility if such patient is hospitalized.

20 (b) The commissioner shall audit each residential health care facility
21 for compliance with its plan and the applicable regulations on an annual
22 basis.

23 (c) Within thirty days after the residential health care facility's
24 receipt of written notice of noncompliance such residential health care
25 facility shall submit a plan of correction in such form and manner as

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

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1 specified by the commissioner for achieving compliance with its plan and
2 with the applicable regulations. The commissioner shall ensure each such
3 residential health care facility complies with its plan of correction
4 and the applicable regulations.

5 (d) The commissioner may assess a civil penalty of up to two thousand
6 five hundred dollars for a first violation, and five thousand dollars
7 for subsequent violations of any provision of this subdivision.

8 (e) The commissioner shall promulgate any rules and regulations neces-
9 sary to implement the provisions of this subdivision.

10 § 2. This act shall take effect immediately.