

STATE OF NEW YORK

2655

2021-2022 Regular Sessions

IN SENATE

January 22, 2021

Introduced by Sens. GALLIVAN, BORRELLO, JORDAN, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to providing for nursing home residents to designate an essential person who would be permitted to be present at the nursing home with unrestricted access and provide aid to such resident; to provide for regular COVID-19 testing for such essential persons for the duration of the COVID-19 state disaster emergency; and providing for the repeal of certain provisions of such law relating thereto

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

1 Section 1. Section 2801 of the public health law is amended by adding
2 a new subdivision 12 to read as follows:

3 12. "Essential person" shall mean a family member, attorney in fact,
4 court evaluator, guardian, personal representative, or health care proxy
5 who, prior to and after the COVID-19 state disaster emergency declared
6 pursuant to executive order two hundred two of two thousand twenty, was
7 or regularly is present at a nursing home providing assistance to a
8 resident of such nursing home. Such assistance shall include, but not be
9 limited to, help with feeding, hygiene, mobility, dressing, emotional
10 support and medication.

11 § 2. Subdivision 3 of section 2803-c of the public health law is
12 amended by adding a new paragraph r to read as follows:

13 r. Every patient shall have the right to designate one individual as
14 an essential person. Such essential person shall act as an advocate for
15 the resident, whose duties include, but are not be limited to, communi-
16 cating with nursing home staff regarding the needs of such resident,
17 reporting any suspected abuse or neglect on behalf of such resident or
18 requesting additional care or a change in the current care plan if
19 necessary.

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

LBD04233-01-1

1 § 3. Section 2803-c of the public health law is amended by adding a
2 new subdivision 6 to read as follows:

3 6. a. Any individual designated as an essential person pursuant to
4 this section shall be permitted unrestricted access and visitation to
5 the resident at the nursing home in which such resident resides in order
6 to provide the necessary aid described pursuant to this section.

7 b. Throughout the duration of the COVID-19 state disaster emergency
8 declared pursuant to executive order two hundred two of two thousand
9 twenty, each nursing home shall require essential persons to be tested
10 for COVID-19 on a weekly basis, the cost of such COVID-19 testing shall
11 be borne by the state of New York using funds allocated to the state
12 pursuant to the federal Coronavirus Aid, Relief, and Economic Security
13 (CARES) Act of 2020. Each essential person shall be required to wear
14 adequate personal protective equipment (PPE) at all times while on the
15 premises of such facility. If an essential person should test positive
16 for COVID-19, he or she shall be denied access to the nursing home for a
17 period of fourteen days and shall be required to self-quarantine during
18 such period. At the conclusion of such fourteen-day period, such essen-
19 tial person shall be permitted to return to the nursing home so long as
20 he or she has no symptoms of and produces a negative test result for
21 COVID-19.

22 § 4. This act shall take effect immediately, provided, however, that
23 paragraph b of subdivision 6 of section 2803-c of the public health law
24 as added by section three of this act shall expire and be deemed
25 repealed on the same date the COVID-19 state disaster emergency declared
26 pursuant to executive order 202 of 2020 has been lifted.