

STATE OF NEW YORK

2977--A

Cal. No. 682

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. HARCKHAM -- 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, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law and the public health law, in relation to certain questions regarding veterans on intake forms for admission and residency

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

1 Section 1. The executive law is amended by adding a new section 368-a
2 to read as follows:

3 § 368-a. Intake forms for admission and residency. 1. The division, in
4 cooperation with the office of temporary and disability assistance, the
5 office of mental health and any other state department, office, division
6 or agency the division deems necessary, shall require that all intake
7 forms for admission or residency to any homeless shelter shall ask an
8 applicant on their intake forms: "Have you ever served in the mili-
9 tary?". Such homeless shelter shall in writing advise all individuals
10 identifying themselves as having served in the United States military
11 that the division of veterans' services and local veterans' service
12 agencies established pursuant to section three hundred fifty-seven of
13 this article provide assistance to veterans regarding benefits available
14 under federal and state law. Such written information shall include the
15 name, address and telephone number of the New York state division of
16 veterans' services, the nearest division of veterans' services office,
17 the nearest county or city veterans' service agency and the nearest
18 accredited veterans' service officer. Every homeless shelter, with the
19 permission of such individual's identifying himself as a veteran, shall

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

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1 transmit such veteran's status information to the division of veterans'
2 services.

3 § 2. Section 2805-o of the public health law, as added by chapter 158
4 of the laws of 1993, the section heading as amended by chapter 95 of the
5 laws of 2004, and subdivisions 2 and 3 as amended by section 22 of part
6 AA of chapter 56 of the laws of 2019, is amended to read as follows:

7 § 2805-o. Identification of veterans and their spouses by nursing
8 homes [~~and~~], residential health care facilities and assisted living
9 residences. 1. Every nursing home and residential health care facility
10 as defined in subdivisions two and three of section two thousand eight
11 hundred one of this article and assisted living residences as defined in
12 section forty-six hundred fifty-one of this chapter shall keep and main-
13 tain accurate records identifying veterans and their spouses residing
14 within such facilities. Such information shall be solicited by nursing
15 home and/or residential health care facility staff upon a patient's
16 admission, noted on the admission form, and included with the patient's
17 file by asking the question "Have you ever served in the United States
18 military?". In the case of patients currently residing at such nursing
19 homes or residential health care facilities, staff shall solicit such
20 information by asking the question "Have you ever served in the United
21 States military?" from each patient residing at such institution and
22 update the patient's file to indicate veteran status.

23 2. Every nursing home [~~and~~], residential health care facility and
24 assisted living residences shall in writing advise all individuals iden-
25 tifying themselves as veterans or spouses of veterans that the division
26 of veterans' services and local veterans' service agencies established
27 pursuant to section three hundred fifty-seven of the executive law to
28 provide assistance to veterans and their spouses regarding benefits
29 under federal and state law. Such written information shall include the
30 name, address and telephone number of the New York state division of
31 veterans' services, the nearest division of veterans' services office,
32 the nearest county or city veterans' service agency and the nearest
33 accredited veterans' service officer.

34 3. Every nursing home [~~and~~], residential health care facility and
35 assisted living residence, [~~upon request~~] with the permission of indi-
36 viduals identifying themselves as veterans or spouses of veterans, shall
37 transmit such veteran status information to the division of veterans'
38 services.

39 4. Any person who violates the provisions of this section shall be
40 subject to a civil fine not to exceed fifty dollars per violation but in
41 no event shall any fine exceed one thousand dollars.

42 § 3. This act shall take effect on the one hundred twentieth day after
43 it shall have become a law. Effective immediately, the addition, amend-
44 ment and/or repeal of any rule or regulation necessary for the implemen-
45 tation of this act on its effective date are authorized to be made and
46 completed on or before such date.