S T A T E O F N E W Y O R K

2078

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. MORELLE, ORTIZ, CLARK -- Multi-Sponsored by -- M. of A. ARROYO, V. LOPEZ -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing personal emergency response services as part of home care services, and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 3602 of the public health law is amended by adding a new subdivision 8-a to read as follows:

8-A. "PERSONAL EMERGENCY RESPONSE SERVICES" MEANS (A) THE PROVISION AND MAINTENANCE OF ELECTRONIC COMMUNICATION EQUIPMENT IN THE HOME OF AN INDIVIDUAL WHICH SIGNALS A MONITORING AGENCY FOR HELP WHEN ACTIVATED BY THE INDIVIDUAL, OR AFTER A PERIOD OF TIME IF A TIMER MECHANISM HAS NOT BEEN RESET, AND (B) THE CONTINUOUS MONITORING OF SUCH SIGNALS BY A TRAINED OPERATOR AND, IN CASE OF RECEIPT OF SUCH SIGNAL, THE IMMEDIATE NOTIFICATION OF SUCH EMERGENCY RESPONSE ORGANIZATIONS OR PERSONS, IF NECESSARY, AS THE INDIVIDUAL HAS PREVIOUSLY SPECIFIED.

S 2. The public health law is amended by adding a new section 3611-b to read as follows:

S 3611-B. APPLICATION FOR GRANTS TO ESTABLISH OR EXPAND PERSONAL EMERGENCY RESPONSE SERVICES. 1. A HOSPITAL, RESIDENTIAL HEALTH CARE FACILITY, CERTIFIED HOME HEALTH AGENCY OR LONG-TERM HOME HEALTH CARE PROGRAM, OR ANY OTHER NOT-FOR-PROFIT OR PUBLIC ORGANIZATION SEEKING GRANTS TO ESTABLISH OR EXPAND PERSONAL EMERGENCY RESPONSE SERVICES SHALL TRANSMIT TO THE COMMISSIONER AN APPLICATION SETTING FORTH THE SCOPE OF THE PROPOSED SERVICE. THE APPLICATION SHALL INCLUDE A DETAILED DESCRIPTION OF THE PROPOSED SERVICE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

(A) AN OUTLINE OF THE INSTITUTION'S OR AGENCY'S PLANS FOR THE SERVICE;

(B) THE NEED FOR THE PROPOSED SERVICE;

(C) THE NUMBER AND TYPES OF PERSONNEL TO BE EMPLOYED;

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

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(D) THE ABILITY OF THE AGENCY, HOSPITAL OR FACILITY TO PROVIDE THE SERVICE;

(E) THE ESTIMATED NUMBER OF INDIVIDUALS TO BE SERVED;

(F) THE GEOGRAPHIC AREA IN WHICH THE PROPOSED SERVICE WILL BE PROVIDED;

(G) A DEMONSTRATION THAT THE PROPOSED SERVICE IS FEASIBLE AND IS PART OF A COMPREHENSIVE HOME CARE SERVICE SYSTEM; AND

(H) SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REQUIRE.

2. (A) THE COMMISSIONER MAY, WITHIN THE AMOUNT APPROPRIATED THEREFOR, MAKE GRANTS TO CERTIFIED HOME HEALTH AGENCIES, HOSPITALS, RESIDENTIAL HEALTH CARE FACILITIES OR LONG-TERM HOME HEALTH CARE PROGRAMS, OR ANY OTHER NOT-FOR-PROFIT OR PUBLIC ORGANIZATION FOR THE PURPOSE OF INCREASING THE AVAILABILITY OF THE PERSONAL EMERGENCY RESPONSE SERVICES. IN AWARDING GRANTS PURSUANT TO THIS SECTION, THE COMMISSIONER SHALL TAKE INTO CONSIDERATION, IN RELATION TO THE AREA SERVED, THE FOLLOWING FACTORS: THE NUMBER OF INDIVIDUALS TO BE SERVED BY THE SERVICE; THE SCOPE, QUANTITY AND ACCESSIBILITY OF THE SERVICE PROPOSED; THE ABILITY OF THE AGENCY TO CONTINUE TO PROVIDE THE PERSONAL EMERGENCY RESPONSE SERVICES UPON THE EXPIRATION OF THE GRANT; THE ABILITY OF THE ELIGIBLE CLIENT TO SUPPLEMENT ANY ADDITIONAL FUNDING FOR IMPLEMENTING THE SERVICE; THAT THE AGENCY PROVIDES FOR THE APPROPRIATE UTILIZATION AND COORDINATION OF THE SERVICE WITH OTHER HOME CARE SERVICES; AND ANY SUCH OTHER FACTORS AS THE COMMISSIONER MAY DETERMINE AS RELEVANT TO THE PUBLIC NEED FOR PERSONAL EMERGENCY RESPONSE SERVICES.

(B) SUCH GRANTS SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS PER ANNUM AND ARE NOT RENEWABLE. GRANTS ARE ALSO AVAILABLE OF UP TO FIFTY PERCENT OF THE COSTS TO THOSE AGENCIES WHO ARE PRESENTLY PROVIDING PERSONAL EMERGENCY RESPONSE SERVICES AND WISH TO EXPAND THE SERVICE.

(C) THE COMMISSIONER, AFTER CONSULTATION WITH THE STATE COUNCIL ON HOME CARE SERVICES, SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO ADMINISTER THIS SECTION. THE STATE COUNCIL ON HOME CARE SERVICES SHALL ADVISE THE DEPARTMENT OF THE AVAILABILITY AND QUALITY OF THE PERSONAL EMERGENCY RESPONSE SERVICES AND ON THE METHODS THAT MAY BE USED TO ENHANCE THE AVAILABILITY, APPROPRIATE UTILIZATION AND COORDINATION OF THE SERVICE THROUGH THE IMPLEMENTATION OF THE GRANT SYSTEM.

S 3. The sum of one hundred thousand dollars ($100,000), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the commissioner of health to pay the expenses including personal service, in carrying out the provisions of this act. Such moneys shall be payable out of the state treasury after audit by and on the warrant of the comptroller upon vouchers certified or approved by the commissioner of health as prescribed by law.

S 4. This act shall take effect one year after the date on which it shall have become a law.