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

5228

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MENG, COLTON, PHEFFER, GREENE, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, TITONE, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT to amend the public health law, in relation to the creation of a reference list of businesses that provide locator technology designed to assist in the expedited location of individuals afflicted with Alzheimer's disease or dementia who become lost or disoriented, and requiring physicians to disclose the existence of such technology to persons afflicted with Alzheimer's disease or dementia and to maintain information regarding any technology utilized by such afflicted people

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

Section 1. The public health law is amended by adding two new sections 2010 and 2011 to read as follows:

S 2010. ALZHEIMER'S AND DEMENTIA LOCATOR TECHNOLOGY INFORMATION. 1. THE DEPARTMENT, IN CONJUNCTION WITH THE OFFICE FOR THE AGING, THE DEPARTMENT OF SOCIAL SERVICES AND THE STATE POLICE, SHALL DEVELOP AND MAINTAIN A COMPREHENSIVE LIST OF BUSINESSES AND OTHER ENTITIES THAT MANUFACTURE, DISTRIBUTE OR OTHERWISE OFFER LOCATOR TECHNOLOGY OR SERVICES DESIGNED TO ASSIST IN THE EXPEDITED LOCATION OF INDIVIDUALS AFFLICTED WITH ALZHEIMER'S DISEASE OR DEMENTIA WHO BECOME LOST OR DISORIENTED. THE DEPARTMENT SHALL NOTIFY ALL PHYSICIANS LICENSED TO PRACTICE IN THIS STATE OF THE EXISTENCE OF THE LIST AND SHALL MAKE THE LIST AVAILABLE TO THE GENERAL PUBLIC THROUGH THE DEPARTMENT'S WEBSITE. THE LIST SHALL BE UPDATED BY THE DEPARTMENT ON AT LEAST A SEMI-ANNUAL BASIS, AND MAY BE MAINTAINED ON OR CONNECTED TO THE WEBSITES OF OTHER STATE OFFICES, INCLUDING THOSE MAINTAINED BY THE OFFICE FOR THE AGING, THE DEPARTMENT OF SOCIAL SERVICES, THE STATE POLICE AND THE DEPARTMENT OF MENTAL HEALTH.

2. AS USED IN THIS SECTION "LOCATOR TECHNOLOGY" MEANS ANY PRODUCT, PROGRAM OR SYSTEM USED TO ASSIST IN THE LOCATION AND IDENTIFICATION OF

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

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LOST OR DISORIENTED PERSONS, AND INCLUDES BUT IS NOT LIMITED TO, RADIO WRIST TRANSMITTER TRACKING SYSTEMS, SOFTWARE PROGRAMS, DATA BASES, AND PRODUCTS CONTAINING IDENTIFYING INFORMATION, INCLUDING NECKLACES OR BRACELETS.

3. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS HE OR SHE DEEMS NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SECTION.

S 2011. PHYSICIANS AND FACILITIES; DUTY TO ADVISE OF LOCATOR TECHNOLOGY INFORMATION. 1. EFFECTIVE JANUARY FIRST, TWO THOUSAND TEN, EVERY PHYSICIAN DIAGNOSING OR TREATING A PERSON WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA, AND EVERY FACILITY CARING FOR SUCH PERSON SHALL ADVISE EACH AFFLICTED PERSON AND SUCH PERSON'S FAMILY AND CAREGIVERS OF THE AVAILABILITY OF TECHNOLOGY DESIGNED TO ASSIST IN THE EXPEDITED LOCATION OF INDIVIDUALS AFFLICTED WITH ALZHEIMER'S DISEASE OR DEMENTIA WHO BECOME LOST OR DISORIENTED, AND OF THE LOCATOR TECHNOLOGY LIST MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTION TWO THOUSAND TEN OF THIS ARTICLE.

2. EACH PHYSICIAN DIAGNOSING OR TREATING A PERSON WITH ALZHEIMER'S DISEASE, DEMENTIA OR TRAUMATIC BRAIN INJURY SHALL MAINTAIN IN THE AFFLICTED PERSON'S MEDICAL RECORDS INFORMATION PERTAINING TO ANY LOCATOR TECHNOLOGY UTILIZED BY SUCH PERSON, INCLUDING THE NATURE AND TYPE OF THE TECHNOLOGY, THE APPROXIMATE DATE THE TECHNOLOGY WAS ACQUIRED, THE MANUFACTURER'S NAME AND CONTACT INFORMATION, AND THE SERIAL NUMBER, IF ANY, OF SUCH PRODUCT. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL SUCH INFORMATION SHALL BE IMMEDIATELY DISCLOSED BY THE PHYSICIAN TO THE STATE POLICE UPON REQUEST BY THE STATE POLICE IN THE EVENT THE AFFLICTED PERSON IS REPORTED TO THE POLICE AS BEING LOST OR MISSING; SUCH DISCLOSURE SHALL NOT CONSTITUTE A VIOLATION OF ANY FEDERAL OR STATE STATUTES REGARDING THE CONFIDENTIALITY OF PATIENT MEDICAL INFORMATION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, provided that the department of health is immediately authorized and directed to take such actions as are necessary to implement this act, including the promulgation of rules in accordance with the state administrative procedure act, on or before its effective date.