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

5797

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

Introduced by M. of A. HAYES, KOLB, HAWLEY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring hospitals to make the patients' bill of rights available by non-visual access

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

Section 1. Paragraph (g) of subdivision 1 of section 2803 of the public health law, as added by chapter 2 of the laws of 1988, is amended to read as follows:

(g) The commissioner shall require that every general hospital adopt and make public an identical statement of the rights and responsibilities of patients, including a patient complaint and quality of care review process, a right to an appropriate patient discharge plan and for patients other than beneficiaries of title XVIII of the federal social security act (medicare) a right to a discharge review in accordance with section twenty-eight hundred three-i of this article. The form and content of such statement shall be determined in accordance with rules and regulations adopted by the council and approved by the commissioner. EVERY GENERAL HOSPITAL SHALL MAKE SUCH STATEMENT OF RIGHTS AND RESPONSIBILITIES AVAILABLE BY NON-VISUAL ACCESS, WHETHER BY SYNTHESIZED SPEECH, BRAILLE, AUDIO OR OTHER APPROPRIATE MEANS NOT REQUIRING SIGHT, FOR BLIND AND VISUALLY IMPAIRED PATIENTS. A patient who requires continuing health care services in accordance with such patient's discharge plan may not be discharged until such services are secured or determined by the hospital to be reasonably available to the patient. Each general hospital shall give a copy of the statement to each patient, or the appointed personal representative of the patient at or prior to the time of admission to the general hospital, as long as the patient or the appointed personal representative of the patient receives such notice no earlier than fourteen days before admission. Such statement shall also be

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

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conspicuously posted by the hospital and shall be a part of the patient's admission package. Nothing herein contained shall be construed to limit any authority vested in the commissioner pursuant to this article related to the operation of hospitals and care and services provided to patients.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.