

9551

I N   A S S E M B L Y

January 15, 2010

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Introduced by M. of A. GOTTFRIED, DINOWITZ -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to adult care facilities

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

1     Section 1. Section 2 of the social services law is amended by adding  
2     two new subdivisions 39 and 40 to read as follows:

3     39. RESIDENT REPRESENTATIVE MEANS A FAMILY MEMBER OR OTHER PERSON  
4     DESIGNATED BY A RESIDENT OF AN ADULT HOME, ENRICHED HOUSING PROGRAM OR  
5     RESIDENCE FOR ADULTS IN THE ADMISSIONS AGREEMENT TO ADVOCATE ON BEHALF  
6     OF THE RESIDENT. THE ADMISSIONS AGREEMENT SHALL BE AMENDED AT ANY TIME  
7     AT THE REQUEST OF THE RESIDENT TO DESIGNATE OR CHANGE A RESIDENT REPRESENTATIVE.  
8     SENTATIVE.

9     40. LEGAL REPRESENTATIVE MEANS A PERSON AUTHORIZED UNDER APPLICABLE  
10    LAW TO TAKE CERTAIN ACTION ON BEHALF OF A RESIDENT OF AN ADULT HOME,  
11    ENRICHED HOUSING PROGRAM OR RESIDENCE FOR ADULTS. SUCH LEGAL REPRESENTATIVE  
12    MAY INCLUDE, BUT IS NOT LIMITED TO, LEGAL COUNSEL, A COURT-APPOINTED  
13    GUARDIAN, AN ATTORNEY-IN-FACT UNDER A POWER OF ATTORNEY, AN  
14    AGENT UNDER A HEALTH CARE PROXY OR A REPRESENTATIVE PAYEE, DEPENDING  
15    UPON THE ACTION TO BE TAKEN.

16    S 2. Subdivision 3 of section 461-d of the social services law is  
17    amended by adding three new paragraphs (l), (m) and (n) to read as  
18    follows:

19    (L) EVERY RESIDENT SHALL HAVE THE RIGHT TO BE FULLY INFORMED BY HIS OR  
20    HER PHYSICIAN, OR OTHER HEALTH OR MENTAL HEALTH PROVIDER OF HIS OR HER  
21    MEDICAL CONDITION AND PROPOSED MEDICATION, TREATMENT AND SERVICES,  
22    UNLESS MEDICALLY CONTRAINDICATED, AND TO REFUSE MEDICATION, TREATMENT OR  
23    SERVICES AFTER BEING FULLY INFORMED OF THE CONSEQUENCES OF SUCH ACTIONS.

24    (M) EVERY RESIDENT SHALL HAVE THE RIGHT TO CHOOSE HIS OR HER OWN  
25    HEALTH CARE PROVIDERS FOR SERVICES NOT COVERED BY HIS OR HER ADMISSION  
26    AGREEMENT, SUBJECT TO LIMITATIONS THAT MAY APPLY AS A RESULT OF A RESIDENT'S  
27    THIRD PARTY PAYOR COVERAGE.

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

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1 (N) EVERY RESIDENT SHALL HAVE THE RIGHT TO CHOOSE HIS OR HER OWN LEGAL  
2 REPRESENTATIVE AND HIS OR HER OWN RESIDENT REPRESENTATIVE.  
3 S 3. This act shall take effect thirty days after it shall have become  
4 a law.