

1458

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to notification of death of persons receiving public assistance

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

1 Section 1. The public health law is amended by adding a new section
2 4148 to read as follows:
3 S 4148. NOTIFICATION OF DEATH; PERSONS RECEIVING PUBLIC ASSISTANCE. 1.
4 FOR PURPOSES OF THIS SECTION, THE TERM "COMPETENT PERSON ACQUAINTED WITH
5 THE FACTS OF SUCH DEATH" SHALL MEAN:
6 A. THE FUNERAL DIRECTOR, UNDERTAKER OR PERSON HAVING CHARGE OF THE
7 BODY WHEN DEATH OCCURS WITHOUT MEDICAL ATTENTION; OR
8 B. THE ATTENDING PHYSICIAN OR HOSPITAL WHEN DEATH OCCURS WITH MEDICAL
9 ATTENTION OR IN A HOSPITAL.
10 2. UPON THE DEATH OF ANY PERSON, A COMPETENT PERSON ACQUAINTED WITH
11 THE FACTS OF SUCH DEATH SHALL, WITHIN TWENTY-FOUR HOURS OF SUCH DEATH,
12 NOTIFY THE DEPARTMENT OF SOCIAL SERVICES REGARDING SUCH DEATH. SUCH
13 NOTIFICATION SHALL BE MADE VIA THE DEPARTMENT OF SOCIAL SERVICES WEBPAGE
14 ON THE INTERNET OR BY USE OF A TOLL-FREE TELEPHONE NUMBER ESTABLISHED BY
15 THE COMMISSIONER OF SOCIAL SERVICES PURSUANT TO SUBDIVISION (I) OF
16 SECTION SEVENTEEN OF THE SOCIAL SERVICES LAW. SUCH NOTIFICATION SHALL
17 INCLUDE THE NAME, ADDRESS, BIRTH DATE AND SOCIAL SECURITY NUMBER OF SUCH
18 DECEASED PERSON.
19 S 2. Subdivision (i) of section 17 of the social services law, as
20 relettered by section 1 of part K-3 of chapter 57 of the laws of 2007,
21 is relettered subdivision (j) and a new subdivision (i) is added to read
22 as follows:
23 (I) ESTABLISH A HOTLINE FOR THE RECEIPT OF NOTIFICATION OF DEATH
24 REQUIRED BY SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THE PUBLIC HEALTH

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

LBD04873-01-9

1 LAW. SUCH HOTLINE SHALL PROVIDE ACCESS TO THE DEPARTMENT VIA THE DEPART-
2 MENT WEBPAGE ON THE INTERNET OR BY A TOLL-FREE TELEPHONE NUMBER. ACCESS
3 TO SUCH HOTLINE SHALL BE LIMITED TO PERSONS SET FORTH IN SUBDIVISION ONE
4 OF SECTION FORTY-ONE HUNDRED FORTY-EIGHT OF THE PUBLIC HEALTH LAW, AND
5 SHALL BE ACCESSED ONLY BY MEANS OF A PASSWORD, CODE OR OTHER SECURE
6 METHOD PROVIDED BY THE DEPARTMENT. UPON RECEIPT OF ANY NOTIFICATION OF
7 DEATH, THE DEPARTMENT SHALL DETERMINE IF SUCH DECEASED PERSON WAS A
8 RECIPIENT OF PUBLIC ASSISTANCE AND IMMEDIATELY CEASE THE PAYMENT OF SUCH
9 PUBLIC ASSISTANCE WHEN APPROPRIATE.

10 S 3. This act shall take effect on the thirtieth day after it shall
11 have become a law.