

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

S. 4540--A

A. 7791--A
Cal. No. 542

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

April 24, 2009

IN SENATE -- Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. KELLNER, MAISEL, WEISENBERG, GOTTFRIED -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to requiring hospitals, nursing homes and community health clinics to provide patient documents in large print format language assistance services and audio recordings of pertinent medical information

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 2803-s to read as follows:
3 S 2803-S. PROVISION OF LANGUAGE ASSISTANCE TO VISUALLY IMPAIRED
4 PERSONS. 1. EVERY GENERAL HOSPITAL, NURSING HOME AND DIAGNOSTIC AND
5 TREATMENT CENTER PROVIDING A COMPREHENSIVE RANGE OF PRIMARY HEALTH CARE
6 SERVICES SHALL PROVIDE LANGUAGE ASSISTANCE SERVICES TO A PATIENT OR
7 PATIENT ASSISTANT SO AS TO ENSURE THAT ALL PATIENTS WHO ARE VISUALLY
8 IMPAIRED AND UNABLE TO READ AND COMPREHEND DOCUMENTS PROVIDED BY THE
9 FACILITY WITH THE PROFICIENCY NECESSARY FOR ADEQUATE COMPREHENSION AND
10 COMMUNICATION WITH HEALTH CARE PROVIDERS AND OTHER PERSONNEL HAVE EFFEC-
11 TIVE ACCESS TO THE PROGRAMS AND SERVICES PROVIDED BY THE FACILITY,
12 INCLUDING BUT NOT LIMITED TO HEALTH CARE, BILLING AND APPOINTMENT SCHED-
13 ULING PROGRAMS AND SERVICES. LANGUAGE ASSISTANCE SERVICES SHALL BE
14 AVAILABLE AT ALL LOCATIONS DURING ALL TIMES THAT PATIENT CARE IS AVAIL-
15 ABLE, AND SHALL, TO THE EXTENT PRACTICABLE, BE PROVIDED IN PERSON.
16 2. (A) ALL FREQUENTLY USED FORMS, INCLUDING CONSENT FORMS, THE PATIENT
17 BILL OF RIGHTS, PRE-OPERATIVE AND POST-OPERATIVE INFORMATION AND
18 DISCHARGE INSTRUCTIONS, AS WELL AS OTHER WRITTEN MATERIALS THAT ARE
19 ESSENTIAL TO A PATIENT'S CARE AND TREATMENT OR ARE OTHERWISE NECESSARY

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

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1 TO PROVIDE ADEQUATE ACCESS TO THE FACILITY'S SERVICES SHALL BE AVAILABLE
2 IN LARGE PRINT FORMAT.

3 (B) EVERY FACILITY SHALL DEVELOP AND IMPLEMENT A LANGUAGE ASSISTANCE
4 PLAN THAT ESTABLISHES UNIFORM POLICIES AND PROCEDURES FOR PROVIDING
5 LANGUAGE ASSISTANCE SERVICES TO VISUALLY IMPAIRED PATIENTS, INCLUDING
6 PROCEDURES FOR DOCUMENTING THE PROVISION OF, OR REFUSAL OF, LANGUAGE
7 ASSISTANCE SERVICES. FACILITY PERSONNEL SHALL BE AVAILABLE TO READ WRIT-
8 TEN DOCUMENTS, INCLUDING PATIENT-SPECIFIC AND NON-PATIENT-SPECIFIC DOCU-
9 MENTS, TO ANY PATIENT OR PATIENT ASSISTANT WHO IS UNABLE TO READ SUCH
10 DOCUMENTS DUE TO VISUAL IMPAIRMENT AND WHO REQUESTS SUCH SERVICES, AND
11 TO RESPOND TO QUESTIONS CONCERNING SUCH DOCUMENTS. UPON REQUEST BY THE
12 PATIENT OR PATIENT ASSISTANT, ALL SUCH CONVERSATIONS MAY BE RECORDED AND
13 AN AUDIO RECORDING OF ALL CONVERSATIONS SHALL BE MADE AVAILABLE TO THE
14 PATIENT OR PATIENT ASSISTANT.

15 3. THE STATEMENTS REGARDING PATIENT RIGHTS AND RESPONSIBILITIES
16 REQUIRED PURSUANT TO PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION TWEN-
17 TY-EIGHT HUNDRED THREE AND SECTION TWENTY-EIGHT HUNDRED THREE-C OF THIS
18 ARTICLE SHALL INCLUDE A PROVISION NOTIFYING PATIENTS OF THE AVAILABILITY
19 OF LARGE PRINT FORMAT DOCUMENTS AND LANGUAGE ASSISTANCE SERVICE. NOTICE
20 OF THE AVAILABILITY OF LARGE PRINT FORMAT DOCUMENTS AND LANGUAGE ASSIST-
21 ANCE SERVICES SHALL BE POSTED IN CONSPICUOUS LOCATIONS THROUGHOUT ALL
22 AREAS OF THE FACILITY THAT ARE ACCESSIBLE TO PATIENTS.

23 4. EVERY FACILITY SHALL SUBMIT TO THE COMMISSIONER AN ANNUAL REPORT
24 ASSESSING ITS COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE
25 REPORT SHALL IDENTIFY THE MEASURES TAKEN BY THE FACILITY IN COMPLIANCE
26 WITH THE REQUIREMENTS OF THIS SECTION AND THE PERCENTAGE OF THE FACILI-
27 TY'S PATIENTS WHO UTILIZE SUCH ASSISTANCE.

28 5. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY
29 BE NECESSARY AND PROPER TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

30 6. FOR PURPOSES OF THIS SECTION, "PATIENT ASSISTANT" SHALL MEAN AN
31 INDIVIDUAL WHO COMMUNICATES ON BEHALF OF ANOTHER WHO, BY REASON OF AGE,
32 INCAPACITY OR VISUAL IMPAIRMENT, CANNOT COMMUNICATE FOR HIMSELF OR
33 HERSELF.

34 7. NOTHING IN THIS SECTION SHALL PRECLUDE MEDICAL FACILITIES FROM
35 PROVIDING LANGUAGE ASSISTANCE SERVICES IN ADDITION TO THOSE REQUIRED
36 UNDER THIS SECTION.

37 S 2. Subdivision 1 of section 2803 of the public health law is amended
38 by adding a new paragraph (k) to read as follows:

39 (K) THE STATEMENT REGARDING PATIENT RIGHTS AND RESPONSIBILITIES,
40 REQUIRED PURSUANT TO PARAGRAPH (G) OF THIS SUBDIVISION, SHALL INCLUDE A
41 PROVISION NOTIFYING PATIENTS OF THE AVAILABILITY OF LARGE PRINT FORMAT
42 DOCUMENTS AND LANGUAGE ASSISTANCE SERVICES IN ACCORDANCE WITH SECTION
43 TWENTY-EIGHT HUNDRED THREE-S OF THIS ARTICLE.

44 S 3. Subdivision 3 of section 2803-c of the public health law is
45 amended by adding a new paragraph q to read as follows:

46 Q. A STATEMENT NOTIFYING PATIENTS OF THE AVAILABILITY OF LARGE PRINT
47 FORMAT DOCUMENTS AND LANGUAGE ASSISTANCE SERVICES IN ACCORDANCE WITH
48 SECTION TWENTY-EIGHT HUNDRED THREE-S OF THIS ARTICLE.

49 S 4. This act shall take effect on the one hundred eightieth day after
50 it shall have become a law; provided that effective immediately, the
51 commissioner of health is authorized to promulgate such rules and regu-
52 lations as may be necessary and proper to implement the provisions of
53 this act.