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

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I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. CAHILL, BENEDETTO, CASTRO, JOHN, MAISEL, MARKEY, M. MILLER, ROBINSON, MONTESANO, SALADINO -- Multi-Sponsored by -- M. of A. CALHOUN, GABRYSZAK, GALEF, GLICK, KOON, PHEFFER, SCARBOROUGH, SPANO, TOWNSEND, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the commissioner of health to develop and implement a system for uniform patient safety

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 a new section 22 to read as follows:

S 22. UNIFORM PATIENT SAFETY. 1. THE COMMISSIONER SHALL, IN CONSULTATION WITH STATEWIDE ORGANIZATIONS REPRESENTATIVE OF PROVIDERS OF HOSPITAL AND HEALTH-RELATED SERVICES, DEVELOP AND IMPLEMENT A SYSTEM FOR COLOR-CODING STANDARDIZATION OF MEDICAL SAFETY CONDITIONS FOR USE IN ALL HEALTH CARE FACILITIES. THE COMMISSIONER SHALL, ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, DEVELOP SUCH UNIFORM PATIENT SAFETY CONDITIONS BY STANDARDIZING THE COLOR-CODING OF PATIENT WRIST BANDS AND PROVIDING HOSPITALS, HEALTH CARE PROVIDERS, RESIDENTIAL HEALTH CARE FACILITIES AND NURSING HOMES IN THIS STATE WITH A PATIENT STANDARDIZATION WHICH IS UNIFORM IN RELATION TO HEALTH-RELATED SERVICES. THE COMMISSIONER SHALL ESTABLISH AND IMPLEMENT THE UNIFORMITY OF ALL PATIENT SAFETY THROUGH THE PROMULGATION OF RULES AND REGULATIONS AND FURTHER PROVIDE FOR THE SYSTEMATIC AND STANDARD APPLICATION OF A COLOR SYSTEM TO AID IN THE CLASSIFICATION AND IDENTIFICATION OF SAFETY CONDITIONS INCLUDING, BUT NOT LIMITED TO, A DO NOT RESUSCITATE ORDER, ALLERGIES, FALL RISK OF THE PATIENT, ELOPEMENT AND CHOKING PRECAUTIONS.

2. FOR THE PURPOSES OF THIS SECTION, "ELOPEMENT" MEANS THAT A PATIENT (A) HAS LEFT THE HOSPITAL, HEALTH CARE FACILITY, RESIDENTIAL HEALTH CARE FACILITY OR NURSING HOME, OR THE COMPANY OF STAFF, WITHOUT AUTHORIZATION; OR (B) HAS LEFT THE HOSPITAL, HEALTH CARE FACILITY, RESIDENTIAL HEALTH CARE FACILITY OR NURSING HOME WITH AUTHORIZATION BUT HAS FAILED

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

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TO RETURN TO SUCH FACILITY LATER THAN THIRTY MINUTES BEYOND THE DESIGNATED TIME.

S 2. This act shall take effect July 1, 2011; 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.