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

1747

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. GOTTFRIED, AUBRY, PAULIN, PEOPLES, TOWNS, BRODSKY, MILLMAN, ROBINSON, ESPAILLAT, HOYT -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, CAHILL, CLARK, COOK, CYMBROWITZ, DIAZ, DINOWITZ, EDDINGTON, GANTT, GLICK, GREENE, HEASTIE, HOOPER, JACOBS, JAFFEE, JOHN, KELLNER, MAGEE, MARKEY, MAYERSOHN, McENENY, ORTIZ, PERRY, PHEFFER, POWELL, J. RIVERA, SCARBOROUGH, SEMINERIO, WEISENBERG, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to including health care facilities or part of a facility operated or supervised by the department of correctional services or by local correctional facilities within the definition of hospital

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

Section 1. Subdivision 1 of section 2801 of the public health law, as separately amended by chapters 297 and 416 of the laws of 1983, is amended to read as follows:

1. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, INCLUDING ANY SUCH FACILITY OR PART OF A FACILITY OPERATED OR SUPERVISED BY THE DEPARTMENT OF CORRECTIONAL SERVICES OR BY A LOCAL CORRECTIONAL FACILITY AS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW, but the term hospital shall not include an insti-

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

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tution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those teachings.

S 2. This act shall take effect one year after it shall have become a law.