

5228

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. MENG, COLTON, PHEFFER, GREENE, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, BRENNAN, TITONE, WEISENBERG -- read once and referred to the Committee on Aging

AN ACT to amend the public health law, in relation to the creation of a reference list of businesses that provide locator technology designed to assist in the expedited location of individuals afflicted with Alzheimer's disease or dementia who become lost or disoriented, and requiring physicians to disclose the existence of such technology to persons afflicted with Alzheimer's disease or dementia and to maintain information regarding any technology utilized by such afflicted people

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 two new sections
2 2010 and 2011 to read as follows:
3 S 2010. ALZHEIMER'S AND DEMENTIA LOCATOR TECHNOLOGY INFORMATION. 1.
4 THE DEPARTMENT, IN CONJUNCTION WITH THE OFFICE FOR THE AGING, THE
5 DEPARTMENT OF SOCIAL SERVICES AND THE STATE POLICE, SHALL DEVELOP AND
6 MAINTAIN A COMPREHENSIVE LIST OF BUSINESSES AND OTHER ENTITIES THAT
7 MANUFACTURE, DISTRIBUTE OR OTHERWISE OFFER LOCATOR TECHNOLOGY OR
8 SERVICES DESIGNED TO ASSIST IN THE EXPEDITED LOCATION OF INDIVIDUALS
9 AFFLICTED WITH ALZHEIMER'S DISEASE OR DEMENTIA WHO BECOME LOST OR DISO-
10 RIENTED. THE DEPARTMENT SHALL NOTIFY ALL PHYSICIANS LICENSED TO PRACTICE
11 IN THIS STATE OF THE EXISTENCE OF THE LIST AND SHALL MAKE THE LIST
12 AVAILABLE TO THE GENERAL PUBLIC THROUGH THE DEPARTMENT'S WEBSITE. THE
13 LIST SHALL BE UPDATED BY THE DEPARTMENT ON AT LEAST A SEMI-ANNUAL BASIS,
14 AND MAY BE MAINTAINED ON OR CONNECTED TO THE WEBSITES OF OTHER STATE
15 OFFICES, INCLUDING THOSE MAINTAINED BY THE OFFICE FOR THE AGING, THE
16 DEPARTMENT OF SOCIAL SERVICES, THE STATE POLICE AND THE DEPARTMENT OF
17 MENTAL HEALTH.
18 2. AS USED IN THIS SECTION "LOCATOR TECHNOLOGY" MEANS ANY PRODUCT,
19 PROGRAM OR SYSTEM USED TO ASSIST IN THE LOCATION AND IDENTIFICATION OF

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

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1 LOST OR DISORIENTED PERSONS, AND INCLUDES BUT IS NOT LIMITED TO, RADIO
2 WRIST TRANSMITTER TRACKING SYSTEMS, SOFTWARE PROGRAMS, DATA BASES, AND
3 PRODUCTS CONTAINING IDENTIFYING INFORMATION, INCLUDING NECKLACES OR
4 BRACELETS.

5 3. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS HE
6 OR SHE DEEMS NECESSARY TO GIVE EFFECT TO THE PROVISIONS OF THIS SECTION.

7 S 2011. PHYSICIANS AND FACILITIES; DUTY TO ADVISE OF LOCATOR TECHNOLO-
8 GY INFORMATION. 1. EFFECTIVE JANUARY FIRST, TWO THOUSAND TEN, EVERY
9 PHYSICIAN DIAGNOSING OR TREATING A PERSON WITH ALZHEIMER'S DISEASE OR
10 OTHER DEMENTIA, AND EVERY FACILITY CARING FOR SUCH PERSON SHALL ADVISE
11 EACH AFFLICTED PERSON AND SUCH PERSON'S FAMILY AND CAREGIVERS OF THE
12 AVAILABILITY OF TECHNOLOGY DESIGNED TO ASSIST IN THE EXPEDITED LOCATION
13 OF INDIVIDUALS AFFLICTED WITH ALZHEIMER'S DISEASE OR DEMENTIA WHO BECOME
14 LOST OR DISORIENTED, AND OF THE LOCATOR TECHNOLOGY LIST MAINTAINED BY
15 THE DEPARTMENT PURSUANT TO SECTION TWO THOUSAND TEN OF THIS ARTICLE.

16 2. EACH PHYSICIAN DIAGNOSING OR TREATING A PERSON WITH ALZHEIMER'S
17 DISEASE, DEMENTIA OR TRAUMATIC BRAIN INJURY SHALL MAINTAIN IN THE
18 AFFLICTED PERSON'S MEDICAL RECORDS INFORMATION PERTAINING TO ANY LOCATOR
19 TECHNOLOGY UTILIZED BY SUCH PERSON, INCLUDING THE NATURE AND TYPE OF THE
20 TECHNOLOGY, THE APPROXIMATE DATE THE TECHNOLOGY WAS ACQUIRED, THE
21 MANUFACTURER'S NAME AND CONTACT INFORMATION, AND THE SERIAL NUMBER, IF
22 ANY, OF SUCH PRODUCT. NOTWITHSTANDING ANY PROVISION OF LAW TO THE
23 CONTRARY, ALL SUCH INFORMATION SHALL BE IMMEDIATELY DISCLOSED BY THE
24 PHYSICIAN TO THE STATE POLICE UPON REQUEST BY THE STATE POLICE IN THE
25 EVENT THE AFFLICTED PERSON IS REPORTED TO THE POLICE AS BEING LOST OR
26 MISSING; SUCH DISCLOSURE SHALL NOT CONSTITUTE A VIOLATION OF ANY FEDERAL
27 OR STATE STATUTES REGARDING THE CONFIDENTIALITY OF PATIENT MEDICAL
28 INFORMATION.

29 S 2. This act shall take effect on the first of January next succeed-
30 ing the date on which it shall have become a law, provided that the
31 department of health is immediately authorized and directed to take such
32 actions as are necessary to implement this act, including the promulga-
33 tion of rules in accordance with the state administrative procedure act,
34 on or before its effective date.