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

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 27, 2009

Introduced by M. of A. WEISENBERG, BOYLAND, CUSICK, ENGLEBRIGHT, ESPAILLAT, JAFFEE, JOHN, KAVANAGH, KOON, MAYERSOHN, PAULIN, PHEFFER, J. RIVERA, SCHROEDER, TITUS -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BACALLES, BALL, BARCLAY, BARRA, BOYLE, BRENNAN, CLARK, COLTON, CORWIN, DUPREY, FITZPATRICK, GIGLIO, GOTTFRIED, HAWLEY, HOOPER, JORDAN, KELLNER, KOLB, LUPARDO, McDONOUGH, McENENY, J. MILLER, MILLMAN, MOLINARO, OAKS, PEOPLES-STOKES, RABBITT, RAIA, REILICH, ROBINSON, SCOZZAFAVA, TEDISCO, THIELE, TOBACCO, TOWNSEND -- 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 authorizing the health department to develop regulations pertaining to hard of hearing hospital patients and others

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 2805-u to read as follows:

S 2805-U. HOSPITAL; PERSONS WITH A HEARING IMPAIRMENT. 1. THE FOLLOWING DEFINITIONS SHALL APPLY TO THIS SECTION:

(A) "HEARING IMPAIRMENT" MEANS A CONDITION THAT HAS RENDERED A PERSON HARD OF HEARING, DEAF, OR DEAF-BLIND.

(B) "PATIENT" MEANS A PERSON RECEIVING HEALTH CARE AT A HOSPITAL.

(C) "RESPONSIBLE PERSON" MEANS A PARENT, GUARDIAN, OR PERSON OTHERWISE RESPONSIBLE FOR THE HEALTH CARE DECISIONS OF A PATIENT.

2. THE DEPARTMENT SHALL ADOPT REGULATIONS CONCERNING PATIENTS AND RESPONSIBLE PERSONS WHO HAVE A HEARING IMPAIRMENT, WHICH SHALL REQUIRE AT LEAST THE FOLLOWING:

(A) EXCEPT WHERE NOT MEDICALLY FEASIBLE, ALL HOSPITALS SHALL ASCERTAIN AT THE TIME OF ADMISSION WHETHER A PATIENT OR RESPONSIBLE PERSON HAS A HEARING IMPAIRMENT. IF SO, THE HOSPITAL SHALL ASCERTAIN WHETHER OR NOT

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

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HE OR SHE NEEDS AN INTERPRETER OR AN ASSISTIVE LISTENING DEVICE AND HIS OR HER PREFERRED METHOD OF COMMUNICATION.

(B) WHEN NECESSARY, HOSPITALS MUST FURNISH A QUALIFIED INTERPRETER TO ENSURE EFFECTIVE COMMUNICATION BETWEEN A PATIENT OR RESPONSIBLE PERSON WITH A HEARING IMPAIRMENT AND THE PATIENT'S PHYSICIAN AND OTHER HOSPITAL PERSONNEL.

(C) A PATIENT OR RESPONSIBLE PERSON WITH A HEARING IMPAIRMENT MAY DESIGNATE A PERSON TO SERVE AS AN INTERPRETER FOR THE PURPOSES OF THIS SECTION.

(D) HOSPITALS MUST MAKE AVAILABLE AUXILIARY HEARING AIDS AND ASSISTIVE LISTENING DEVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, HEARING AID-COMPATIBLE TELEPHONES, TELEPHONE HANDSET AMPLIFIERS, AND TELECOMMUNICATION DEVICES FOR THE DEAF WHERE NECESSARY TO ENSURE EFFECTIVE COMMUNICATION.

(E) THE RESTRAINT OF THE HANDS OF A PATIENT WHO HAS A HEARING IMPAIRMENT SHALL BE MINIMIZED.

(F) PROCEDURES SHALL BE DEVELOPED TO RECEIVE AND ADDRESS GRIEVANCES CONCERNING REGULATIONS PROMULGATED UNDER THIS SECTION.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law. Any regulations necessary for the implementation of this act on its effective date shall be promulgated on or before such date.