

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

1927

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing the health department to develop regulations pertaining to hospital patients and responsible persons with a hearing impairment

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 2805-t to read as follows:
3 S 2805-T. HOSPITAL; PERSONS WITH A HEARING IMPAIRMENT. 1. THE FOLLOW-
4 ING DEFINITIONS SHALL APPLY TO THIS SECTION:
5 (A) "HEARING IMPAIRMENT" MEANS A CONDITION THAT HAS RENDERED A PERSON
6 HARD OF HEARING, DEAF, OR DEAF-BLIND.
7 (B) "PATIENT" MEANS A PERSON RECEIVING HEALTH CARE AT A HOSPITAL.
8 (C) "RESPONSIBLE PERSON" MEANS A PARENT, GUARDIAN, SPOUSE, DOMESTIC
9 PARTNER OR PERSON OTHERWISE RESPONSIBLE FOR THE HEALTH CARE DECISIONS OF
10 A PATIENT.
11 2. THE DEPARTMENT SHALL ADOPT REGULATIONS CONCERNING PATIENTS AND
12 RESPONSIBLE PERSONS WHO HAVE A HEARING IMPAIRMENT, WHICH SHALL REQUIRE
13 AT LEAST THE FOLLOWING:
14 (A) EXCEPT WHERE NOT MEDICALLY FEASIBLE, ALL HOSPITALS SHALL ASCERTAIN
15 AT THE TIME OF ADMISSION WHETHER A PATIENT OR RESPONSIBLE PERSON HAS A
16 HEARING IMPAIRMENT. IF SO, THE HOSPITAL SHALL ASCERTAIN WHETHER OR NOT
17 HE OR SHE NEEDS AN INTERPRETER OR AN ASSISTIVE LISTENING DEVICE AND HIS
18 OR HER PREFERRED METHOD OF COMMUNICATION.
19 (B) WHEN NECESSARY, HOSPITALS SHALL FURNISH A QUALIFIED INTERPRETER TO
20 ENSURE EFFECTIVE COMMUNICATION BETWEEN A PATIENT OR RESPONSIBLE PERSON
21 WITH A HEARING IMPAIRMENT AND THE PATIENT'S PHYSICIAN AND OTHER HOSPITAL
22 PERSONNEL.

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

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

4 (D) HOSPITALS SHALL MAKE AVAILABLE AUXILIARY HEARING AIDS AND ASSIS-
5 TIVE LISTENING DEVICES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO,
6 HEARING AID-COMPATIBLE TELEPHONES, TELEPHONE HANDSET AMPLIFIERS, AND
7 TELECOMMUNICATION DEVICES FOR THE DEAF WHERE NECESSARY TO ENSURE EFFEC-
8 TIVE COMMUNICATION.

9 (E) THE RESTRAINT OF THE HANDS OF A PATIENT WHO HAS A HEARING IMPAIR-
10 MENT SHALL BE MINIMIZED.

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

13 S 2. This act shall take effect on the first of January next succeed-
14 ing the date on which it shall have become a law; provided, however,
15 that any regulations necessary for the implementation of this act on its
16 effective date shall be promulgated on or before such date.