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

5416

2011-2012 Regular Sessions

I N A S S E M B L Y

February 18, 2011

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the public health law, in relation to extending admissions to the New York state veterans' home to certain veterans

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

Section 1. The opening paragraph and paragraph (g) of subdivision 1 of section 2632 of the public health law, the opening paragraph as amended by chapter 455 of the laws of 2002 and paragraph (g) as amended by chapter 467 of the laws of 1991, are amended and two new paragraphs (h) and (i) and a closing paragraph are added to read as follows:

Every veteran of the armed forces of the United States, who (i) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days, or (ii) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days and who was a recipient of the armed forces expeditionary medal, navy expeditionary medal or marine corps expeditionary medal for participation in operations in Lebanon from June first, nineteen hundred eighty-three to December first, nineteen hundred eighty-seven, in Grenada from October twenty-third, nineteen hundred eighty-three to November twenty-first, nineteen hundred eighty-three, [or] in Panama from December twentieth, nineteen hundred eighty-nine to January thirty-first, nineteen hundred ninety, IN BOSNIA-HERZEGOVINA FROM NOVEMBER TWENTY-FIRST, NINETEEN HUNDRED NINETY-FIVE TO NOVEMBER FIRST, TWO THOUSAND SEVEN, OR WHO WAS A RECIPIENT OF THE KOSOVO CAMPAIGN MEDAL, or (iii) was separated or discharged under honorable conditions after serving on active duty therein for a period of not less than thirty days; AND WHO WAS A RESIDENT OF THE STATE OF NEW YORK AT THE TIME OF ENTRY UPON SUCH ACTIVE DUTY OR WHO SHALL HAVE BEEN A RESIDENT OF THIS STATE FOR ONE YEAR NEXT PRECEDING THE APPLICATION FOR ADMISSION SHALL BE ENTITLED TO ADMISSION TO SAID

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

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HOME AFTER THE APPROVAL OF THE APPLICATION BY THE BOARD OF VISITORS, SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND TO THE CONDITIONS, LIMITATIONS AND PENALTIES PRESCRIBED BY THE REGULATIONS OF THE DEPARTMENT; and who served during the period of actual hostilities of either

(g) in the Persian Gulf conflict from the second day of August, nineteen hundred ninety to the end of such conflict; [and who was a resident of the state of New York at the time of entry upon such active duty or who shall have been a resident of this state for one year next preceding the application for admission shall be entitled to admission to said home after the approval of the application by the board of visitors, subject to the provisions of this article and to the conditions, limitations and penalties prescribed by the regulations of the department. Any such veteran or dependent, who otherwise fulfills the requirements set forth in this section, may be admitted directly to the skilled nursing facility or the health related facility provided such veteran or dependent is certified by a physician designated or approved by the department to require the type of care provided by such facilities.] OR

(H) SERVICE IN THE MILITARY FORCES OF THE UNITED STATES WHICH ENTAILED EXPOSURE TO IONIZING RADIATION AS THE RESULT OF ATOMIC WEAPONS TESTS CONDUCTED BY THE UNITED STATES BETWEEN NINETEEN HUNDRED FORTY-FIVE AND NINETEEN HUNDRED SIXTY-THREE; OR

(I) THE HOSTILITIES, KNOWN AS THE WAR ON TERRORISM, WHICH COMMENCED IN TWO THOUSAND ONE, AND WHO WAS A RECIPIENT OF THE IRAQ CAMPAIGN MEDAL, THE AFGHANISTAN CAMPAIGN MEDAL, OR THE GLOBAL WAR ON TERRORISM EXPEDITIONARY MEDAL AS DEFINED BY THE DEPARTMENT OF DEFENSE. FOR THE PURPOSES OF THIS PARAGRAPH, "WAR ON TERRORISM" SHALL MEAN DEPLOYMENT ABROAD IN OPERATIONS ENDURING FREEDOM AND IRAQI FREEDOM, AS DEFINED BY THE DEPARTMENT OF DEFENSE, IN THE FOLLOWING DESIGNATED SPECIFIC GEOGRAPHIC AREAS: AFGHANISTAN, ALGERIA, BAHRAIN, BOSNIA-HERZEGOVINA, BULGARIA (BOURGAS), CHAD, CRETE, CYPRUS, DIEGO GARCIA, DJIBOUTI, EGYPT, ERITREA, ETHIOPIA, GEORGIA, HUNGARY, IRAN, IRAQ, ISRAEL, JORDON, KAZAKHSTAN, KENYA, KOSOVO (ONLY SPECIFIC GLOBAL WAR ON TERRORISM OPERATIONS NOT ASSOCIATED WITH THE KOSOVO CAMPAIGN AS DEFINED BY THE DEPARTMENT OF DEFENSE), KUWAIT, KYRGYZSTAN, LEBANON, MALI, MAURITANIA, NIGER, OMAN, PAKISTAN, PHILIPPINES, QATAR, ROMANIA (CONSTANTA), SAUDI ARABIA, SOMALIA, SYRIA, TAJIKISTAN, TURKEY, TURKMENISTAN, UGANDA, UNITED ARAB EMIRATES, UZBEKISTAN, YEMEN, THAT PORTION OF THE ARABIAN SEA NORTH OF TEN DEGREES NORTH LATITUDE AND WEST OF SIXTY-EIGHT DEGREES WEST LONGITUDE, BAB EL MANDEB, GULF OF ADEN, GULF OF AQABA, GULF OF OMAN, GULF OF SUEZ, THAT PORTION OF THE MEDITERRANEAN SEA EAST OF TWENTY-EIGHT DEGREES EAST LONGITUDE AND BOARDING AND SEARCHING VESSEL OPERATIONS, PERSIAN GULF, RED SEA, STRAIGHT OF HORMUZ AND SUEZ CANAL.

ANY SUCH VETERAN OR DEPENDENT, WHO OTHERWISE FULFILLS THE REQUIREMENTS SET FORTH IN THIS SECTION, MAY BE ADMITTED DIRECTLY TO THE SKILLED NURSING FACILITY OR THE HEALTH RELATED FACILITY PROVIDED SUCH VETERAN OR DEPENDENT IS CERTIFIED BY A PHYSICIAN DESIGNATED OR APPROVED BY THE DEPARTMENT TO REQUIRE THE TYPE OF CARE PROVIDED BY SUCH FACILITIES.

S 2. This act shall take effect immediately.