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

6071--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 4, 2011

Introduced by M. of A. MENG, MAISEL, ROSENTHAL, M. MILLER, AUBRY, MOYA, DenDEKKER, P. RIVERA, BRAUNSTEIN, CAMARA, COLTON, STEVENSON, GIBSON, BARRON, ORTIZ, MAGNARELLI, CASTRO -- Multi-Sponsored by -- M. of A. COOK, GOTTFRIED, HEASTIE, MARKEY, PERRY, PHEFFER, SALADINO, TITONE, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring residential healthcare facilities to post, in multiple languages, information concerning procedures for reporting abuse of patients in the facilities, to provide such information in written form and to provide such translation service for persons unable to read such notices

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

Section 1. Section 2803-d of the public health law is amended by adding a new subdivision 2-a to read as follows:

2-A. (A) EACH RESIDENTIAL FACILITY LICENSED UNDER THIS CHAPTER SHALL: (1) POST IN A CONSPICUOUS PLACE READILY ACCESSIBLE TO THE GENERAL PUBLIC A NOTICE PREPARED BY THE DEPARTMENT SETTING FORTH THE INFORMATION CONCERNING HOW TO REPORT TO THE DEPARTMENT CLAIMS OF SUSPECTED ABUSE OF PATIENTS IN THE FACILITY, TOGETHER WITH THE TELEPHONE NUMBER AND OTHER CONTACT INFORMATION FOR THE DEPARTMENT, INCLUDING THE TELEPHONE NUMBER FOR THE NEW YORK STATE DEPARTMENT OF HEALTH NURSING HOME COMPLAINT HOTLINE; AND

(2) MAKE PAPER COPIES OF THE INFORMATION SPECIFIED IN SUBPARAGRAPH ONE OF THIS PARAGRAPH AVAILABLE TO THE PUBLIC.

(B)(1) THE NOTICE AND INFORMATION REQUIRED BY SUBPARAGRAPHS ONE AND TWO OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE PROVIDED IN ENGLISH. INDIVIDUAL FACILITIES SHALL ALSO PROVIDE THE INFORMATION REQUIRED BY SUBPARAGRAPH TWO OF PARAGRAPH (A) OF THIS SUBDIVISION IN LANGUAGES THAT

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

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ARE COMMONLY UTILIZED AS FIRST LANGUAGES BY MULTIPLE PATIENTS OF THE FACILITY.

(2) UPON REQUEST, EACH FACILITY SHALL PROVIDE LANGUAGE ASSISTANCE SERVICES TO A PATIENT OR PATIENT ASSISTANT SO AS TO ENSURE THAT ALL PATIENTS AND PATIENT ASSISTANTS WHO ARE UNABLE TO READ AND COMPREHEND THE INFORMATION REQUIRED BY THIS SUBDIVISION SHALL HAVE ACCESS TO TRANSLATION SERVICES FOR THE PURPOSE OF COMMUNICATING SUCH INFORMATION. LANGUAGE ASSISTANCE SERVICES SHALL BE AVAILABLE AT ALL LOCATIONS DURING ALL TIMES THAT PATIENT CARE IS AVAILABLE, AND SHALL, TO THE EXTENT PRACTICABLE, BE PROVIDED IN PERSON.

(3) EACH FACILITY SHALL DEVELOP AND IMPLEMENT A LANGUAGE ASSISTANCE PLAN THAT ESTABLISHES UNIFORM POLICIES AND PROCEDURES FOR PROVIDING LANGUAGE ASSISTANCE SERVICES AS PROVIDED IN THIS PARAGRAPH. NOTHING IN THIS SECTION SHALL PRECLUDE MEDICAL FACILITIES FROM PROVIDING LANGUAGE ASSISTANCE SERVICES IN ADDITION TO THOSE REQUIRED UNDER THIS SECTION.

(C) FOR PURPOSES OF THIS SUBDIVISION, "PATIENT ASSISTANT" SHALL MEAN AN INDIVIDUAL WHO COMMUNICATES ON BEHALF OF ANOTHER WHO, BY REASON OF AGE, INCAPACITY OR VISUAL IMPAIRMENT, CANNOT COMMUNICATE FOR HIMSELF OR HERSELF.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided that effective immediately, the commissioner of health is authorized to promulgate such rules and regulations as may be necessary and proper to implement the provisions of this act.