

7439--A

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2011-2012 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. GOTTFRIED -- Multi-Sponsored by -- M. of A. CAHILL -- 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 and the social services law, in relation to assisted living residence pre-admission simplification

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

1 Section 1. Section 4657 of the public health law, as added by chapter
2 2 of the laws of 2004, is amended by adding a new subdivision 3 to read
3 as follows:
4 3. (A) AT THE TIME OF THE ADMISSION TO AN ASSISTED LIVING RESIDENCE, A
5 RESIDENT SHALL SUBMIT TO THE FACILITY A WRITTEN REPORT FROM A PHYSICIAN,
6 A PHYSICIAN ASSISTANT OR A NURSE PRACTITIONER, WHICH REPORT SHALL STATE:
7 (I) THAT THE PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER HAS
8 PHYSICALLY EXAMINED THE RESIDENT WITHIN ONE MONTH AND THE DATE OF SUCH
9 EXAMINATION;
10 (II) THAT THE RESIDENT IS NOT IN NEED OF ACUTE OR LONG TERM MEDICAL OR
11 NURSING CARE WHICH WOULD REQUIRE PLACEMENT IN A HOSPITAL OR RESIDENTIAL
12 HEALTH CARE FACILITY; AND
13 (III) THAT THE RESIDENT IS NOT OTHERWISE MEDICALLY OR MENTALLY UNSUIT-
14 ABLE FOR CARE IN THE FACILITY.
15 (B) FOR THE PURPOSE OF CREATING AN ACCESSIBLE AND AVAILABLE RECORD AND
16 ASSURING THAT A RESIDENT IS PROPERLY PLACED IN SUCH A FACILITY, THE
17 REPORT SHALL CONTAIN THE RESIDENT'S SIGNIFICANT MEDICAL HISTORY AND
18 CURRENT CONDITIONS, THE PRESCRIBED MEDICATION REGIMEN, RECOMMENDATIONS
19 FOR DIET, THE ASSISTANCE NEEDED IN THE ACTIVITIES OF DAILY LIVING, AND
20 WHERE APPROPRIATE, RECOMMENDATIONS FOR EXERCISE, RECREATION AND FREQUEN-
21 CY OF MEDICAL EXAMINATIONS.
22 (C) SUCH RESIDENT SHALL THEREAFTER BE EXAMINED BY A PHYSICIAN, A
23 PHYSICIAN ASSISTANT OR A NURSE PRACTITIONER AT LEAST ANNUALLY, AND SHALL

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

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1 SUBMIT AN ANNUAL WRITTEN REPORT IN CONFORMITY WITH THE PROVISIONS OF
2 THIS SUBDIVISION.

3 (D) FOLLOWING A RESIDENT'S STAY IN A HOSPITAL OR RESIDENTIAL HEALTH
4 CARE FACILITY, UPON RETURN TO THE ASSISTED LIVING RESIDENCE, THE
5 ASSISTED LIVING RESIDENCE SHALL NOT BE REQUIRED TO OBTAIN THE REPORT IN
6 PARAGRAPH (A) OF THIS SUBDIVISION, AND INSTEAD SHALL OBTAIN A STATEMENT
7 FROM THE DISCHARGING FACILITY WHICH SHALL:

8 (I) STATE THAT THE RESIDENT IS APPROPRIATE TO RETURN TO THE RESIDENCE;
9 AND

10 (II) INCLUDE THE REASON FOR THE STAY, THE TREATMENT PLAN TO BE
11 FOLLOWED, AND ANY NEW OR CHANGED ORDERS, INCLUDING MEDICATIONS.

12 THE STATEMENT SHALL BE COMPLETED BY A PHYSICIAN, A PHYSICIAN ASSISTANT
13 OR A NURSE PRACTITIONER.

14 (E) NOTHING REQUIRED IN THIS SUBDIVISION SHALL REQUIRE THE USE OF AN
15 IDENTICAL FORM IN ADULT CARE FACILITIES AND ASSISTED LIVING RESIDENCES,
16 EITHER UPON ADMISSION OR RETURN.

17 S 2. Subdivision 7 of section 461-c of the social services law, as
18 added by chapter 601 of the laws of 1981, is amended to read as follows:

19 7. (a) At the time of the admission to an adult care facility, other
20 than a shelter for adults, a resident shall submit to the facility a
21 written report from a physician, A PHYSICIAN ASSISTANT OR A NURSE PRAC-
22 TITIONER, which report shall state:

23 (i) that the physician, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER has
24 physically examined the resident within one month and the date of such
25 examination;

26 (ii) that the resident is not in need of acute or long term medical or
27 nursing care which would require placement in a hospital or residential
28 health care facility; and

29 (iii) that the resident is not otherwise medically or mentally
30 unsuited for care in the facility.

31 (b) For the purpose of creating an accessible and available record and
32 assuring that a resident is properly placed in such a facility, the
33 [physician's] report shall also contain the resident's significant
34 medical history and current conditions, the prescribed medication regi-
35 men, and recommendations for diet, the assistance needed in the activ-
36 ities of daily living and where appropriate, recommendations for exer-
37 cise, recreation and frequency of medical examinations.

38 (c) Such resident shall thereafter be examined by a physician, A
39 PHYSICIAN ASSISTANT OR A NURSE PRACTITIONER, at least annually and shall
40 submit an annual written report [from his physician] in conformity with
41 the provisions of this subdivision.

42 (D) FOLLOWING A RESIDENT'S STAY IN A HOSPITAL OR RESIDENTIAL HEALTH
43 CARE FACILITY, UPON RETURN TO THE ADULT CARE FACILITY, THE ADULT CARE
44 FACILITY SHALL NOT BE REQUIRED TO OBTAIN THE REPORT IN PARAGRAPH (A) OF
45 THIS SUBDIVISION, AND INSTEAD SHALL OBTAIN A STATEMENT FROM THE
46 DISCHARGING FACILITY WHICH SHALL:

47 (I) STATE THAT THE RESIDENT IS APPROPRIATE TO RETURN TO THE FACILITY;
48 AND

49 (II) INCLUDE THE REASON FOR THE RESIDENT'S STAY, THE TREATMENT PLAN TO
50 BE FOLLOWED, AND ANY NEW OR CHANGED ORDERS, INCLUDING MEDICATIONS.

51 THE STATEMENT SHALL BE COMPLETED BY A PHYSICIAN, A PHYSICIAN ASSISTANT
52 OR A NURSE PRACTITIONER.

53 (E) NOTHING REQUIRED IN THIS SECTION SHALL REQUIRE THE USE OF AN IDEN-
54 TICAL FORM IN ADULT CARE FACILITIES AND ASSISTED LIVING RESIDENCES,
55 EITHER UPON ADMISSION OR RETURN.

56 S 3. This act shall take effect immediately.