

969--A

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. KELLNER, MAISEL, HEVESI, WEISENBERG, AUBRY, COOK, GOTTFRIED, JAFFEE, MENG, PERRY -- Multi-Sponsored by -- M. of A. GALEF, McDONOUGH, P. RIVERA, SCHIMEL -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- 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 hospitals, nursing homes and community health clinics to provide patient documents in large print format, language and hearing assistance services and audio recordings of pertinent medical information

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 2803-t to read as follows:
3 S 2803-T. PROVISION OF LANGUAGE ASSISTANCE TO VISUALLY IMPAIRED
4 PERSONS. 1. EVERY GENERAL HOSPITAL, NURSING HOME AND DIAGNOSTIC AND
5 TREATMENT CENTER PROVIDING A COMPREHENSIVE RANGE OF PRIMARY HEALTH CARE
6 SERVICES SHALL PROVIDE LANGUAGE AND HEARING ASSISTANCE SERVICES TO A
7 PATIENT OR PATIENT ASSISTANT SO AS TO ENSURE THAT ALL PATIENTS WHO ARE
8 VISUALLY OR HEARING IMPAIRED AND UNABLE TO READ AND COMPREHEND DOCUMENTS
9 PROVIDED BY THE FACILITY WITH THE PROFICIENCY NECESSARY FOR ADEQUATE
10 COMPREHENSION AND COMMUNICATION WITH HEALTH CARE PROVIDERS AND OTHER
11 PERSONNEL HAVE EFFECTIVE ACCESS TO THE PROGRAMS AND SERVICES PROVIDED BY
12 THE FACILITY, INCLUDING BUT NOT LIMITED TO HEALTH CARE, BILLING AND
13 APPOINTMENT SCHEDULING PROGRAMS AND SERVICES. LANGUAGE AND HEARING
14 ASSISTANCE SERVICES SHALL BE AVAILABLE AT ALL LOCATIONS DURING ALL TIMES
15 THAT PATIENT CARE IS AVAILABLE, AND SHALL, TO THE EXTENT PRACTICABLE, BE
16 PROVIDED IN PERSON.
17 2. (A) ALL FREQUENTLY USED FORMS, INCLUDING CONSENT FORMS, THE PATIENT
18 BILL OF RIGHTS, PRE-OPERATIVE AND POST-OPERATIVE INFORMATION AND
19 DISCHARGE INSTRUCTIONS, AS WELL AS OTHER WRITTEN MATERIALS THAT ARE
20 ESSENTIAL TO A PATIENT'S CARE AND TREATMENT OR ARE OTHERWISE NECESSARY

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

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1 TO PROVIDE ADEQUATE ACCESS TO THE FACILITY'S SERVICES SHALL BE AVAILABLE
2 IN LARGE PRINT FORMAT.

3 (B) EVERY FACILITY SHALL DEVELOP AND IMPLEMENT A LANGUAGE AND HEARING
4 ASSISTANCE PLAN THAT ESTABLISHES UNIFORM POLICIES AND PROCEDURES FOR
5 PROVIDING LANGUAGE AND HEARING ASSISTANCE SERVICES TO VISUALLY OR HEAR-
6 ING IMPAIRED PATIENTS, INCLUDING PROCEDURES FOR DOCUMENTING THE
7 PROVISION OF, OR REFUSAL OF, LANGUAGE AND HEARING ASSISTANCE SERVICES.
8 FACILITY PERSONNEL SHALL BE AVAILABLE TO READ WRITTEN DOCUMENTS, INCLUD-
9 ING PATIENT-SPECIFIC AND NON-PATIENT-SPECIFIC DOCUMENTS, TO ANY PATIENT
10 OR PATIENT ASSISTANT WHO IS UNABLE TO READ SUCH DOCUMENTS DUE TO VISUAL
11 IMPAIRMENT AND WHO REQUESTS SUCH SERVICES, AND TO RESPOND TO QUESTIONS
12 CONCERNING SUCH DOCUMENTS. UPON REQUEST BY THE PATIENT OR PATIENT
13 ASSISTANT, ALL SUCH CONVERSATIONS MAY BE RECORDED AND AN AUDIO RECORDING
14 OF ALL CONVERSATIONS SHALL BE MADE AVAILABLE TO THE PATIENT OR PATIENT
15 ASSISTANT.

16 3. THE STATEMENTS REGARDING PATIENT RIGHTS AND RESPONSIBILITIES
17 REQUIRED PURSUANT TO PARAGRAPH (G) OF SUBDIVISION ONE OF SECTION TWEN-
18 TY-EIGHT HUNDRED THREE AND SECTION TWENTY-EIGHT HUNDRED THREE-C OF THIS
19 ARTICLE SHALL INCLUDE A PROVISION NOTIFYING PATIENTS OF THE AVAILABILITY
20 OF LARGE PRINT FORMAT DOCUMENTS AND LANGUAGE AND HEARING ASSISTANCE
21 SERVICES. NOTICE OF THE AVAILABILITY OF LARGE PRINT FORMAT DOCUMENTS AND
22 LANGUAGE AND HEARING ASSISTANCE SERVICES SHALL BE POSTED IN CONSPICUOUS
23 LOCATIONS THROUGHOUT ALL AREAS OF THE FACILITY THAT ARE ACCESSIBLE TO
24 PATIENTS.

25 4. EVERY FACILITY SHALL SUBMIT TO THE COMMISSIONER AN ANNUAL REPORT
26 ASSESSING ITS COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE
27 REPORT SHALL IDENTIFY THE MEASURES TAKEN BY THE FACILITY IN COMPLIANCE
28 WITH THE REQUIREMENTS OF THIS SECTION AND THE PERCENTAGE OF THE FACILI-
29 TY'S PATIENTS WHO UTILIZE SUCH ASSISTANCE.

30 5. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY
31 BE NECESSARY AND PROPER TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

32 6. FOR PURPOSES OF THIS SECTION, "PATIENT ASSISTANT" SHALL MEAN AN
33 INDIVIDUAL WHO COMMUNICATES ON BEHALF OF ANOTHER WHO, BY REASON OF AGE,
34 INCAPACITY OR VISUAL IMPAIRMENT, CANNOT COMMUNICATE FOR HIMSELF OR
35 HERSELF.

36 7. NOTHING IN THIS SECTION SHALL PRECLUDE MEDICAL FACILITIES FROM
37 PROVIDING LANGUAGE ASSISTANCE SERVICES IN ADDITION TO THOSE REQUIRED
38 UNDER THIS SECTION.

39 S 2. Subdivision 1 of section 2803 of the public health law is amended
40 by adding a new paragraph (k) to read as follows:

41 (K) THE STATEMENT REGARDING PATIENT RIGHTS AND RESPONSIBILITIES,
42 REQUIRED PURSUANT TO PARAGRAPH (G) OF THIS SUBDIVISION, SHALL INCLUDE A
43 PROVISION NOTIFYING PATIENTS OF THE AVAILABILITY OF LARGE PRINT FORMAT
44 DOCUMENTS AND LANGUAGE AND HEARING ASSISTANCE SERVICES IN ACCORDANCE
45 WITH SECTION TWENTY-EIGHT HUNDRED THREE-T OF THIS ARTICLE.

46 S 3. Subdivision 3 of section 2803-c of the public health law is
47 amended by adding a new paragraph q to read as follows:

48 Q. A STATEMENT NOTIFYING PATIENTS OF THE AVAILABILITY OF LARGE PRINT
49 FORMAT DOCUMENTS AND LANGUAGE AND HEARING ASSISTANCE SERVICES IN ACCORD-
50 ANCE WITH SECTION TWENTY-EIGHT HUNDRED THREE-T OF THIS ARTICLE.

51 S 4. This act shall take effect on the one hundred eightieth day after
52 it shall have become a law; provided that effective immediately, the
53 commissioner of health is authorized to promulgate such rules and regu-
54 lations as may be necessary and proper to implement the provisions of
55 this act.