

4894

2011-2012 Regular Sessions

I N   S E N A T E

April 28, 2011

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

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'S ASSISTANT OR A NURSE PRACTITIONER, WHICH REPORT SHALL  
7     STATE:

8     (I) THAT THE PHYSICIAN, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER  
9     HAS PHYSICALLY EXAMINED THE RESIDENT WITHIN ONE MONTH AND THE DATE OF  
10    SUCH EXAMINATION;

11    (II) THAT THE RESIDENT IS NOT IN NEED OF ACUTE OR LONG TERM MEDICAL OR  
12    NURSING CARE WHICH WOULD REQUIRE PLACEMENT IN A HOSPITAL OR RESIDENTIAL  
13    HEALTH CARE FACILITY; AND

14    (III) THAT THE RESIDENT IS NOT OTHERWISE MEDICALLY OR MENTALLY UNSUIT-  
15    ABLE FOR CARE IN THE FACILITY.

16    (B) FOR THE PURPOSE OF CREATING AN ACCESSIBLE AND AVAILABLE RECORD AND  
17    ASSURING THAT A RESIDENT IS PROPERLY PLACED IN SUCH A FACILITY, THE  
18    REPORT SHALL CONTAIN THE RESIDENT'S SIGNIFICANT MEDICAL HISTORY AND  
19    CURRENT CONDITIONS, THE PRESCRIBED MEDICATION REGIMEN, RECOMMENDATIONS  
20    FOR DIET, THE ASSISTANCE NEEDED IN THE ACTIVITIES OF DAILY LIVING, AND  
21    WHERE APPROPRIATE, RECOMMENDATIONS FOR EXERCISE, RECREATION AND FREQUEN-  
22    CY OF MEDICAL EXAMINATIONS.

23    (C) SUCH RESIDENT SHALL THEREAFTER BE EXAMINED BY A PHYSICIAN, A  
24    PHYSICIAN'S ASSISTANT OR A NURSE PRACTITIONER AT LEAST ANNUALLY, AND

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

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1 SHALL SUBMIT AN ANNUAL WRITTEN REPORT IN CONFORMITY WITH THE PROVISIONS  
2 OF 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'S ASSIST-  
13 ANT 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'S ASSISTANT OR A NURSE  
22 PRACTITIONER, which report shall state:

23 (i) that the physician, PHYSICIAN'S ASSISTANT OR NURSE PRACTITIONER  
24 has physically examined the resident within one month and the date of  
25 such 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'S ASSISTANT OR A NURSE PRACTITIONER, at least annually and  
40 shall submit an annual written report [from his physician] in conformity  
41 with 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'S ASSIST-  
52 ANT 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.