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

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I N A S S E M B L Y

March 23, 2012

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to requiring employees who provide respite care services to be certified in first aid and CPR/AED

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

Section 1. The mental hygiene law is amended by adding a new section 7.45 to read as follows:

S 7.45 RESPITE CARE; FIRST AID AND CPR/AED TRAINING.

(A) FOR PURPOSES OF THE SECTION, THE TERM "RESPITE CARE" SHALL MEAN THE PROVISION OF INTERMITTENT TEMPORARY SUBSTITUTE CARE OF A PERSON WITH MENTAL ILLNESS ON BEHALF OF AND IN THE ABSENCE OF THE PARENT OR LEGAL GUARDIAN OF SUCH PERSON, FOR THE PURPOSE OF PROVIDING RELIEF FROM THE STRESSES OF RESPONSIBILITIES OF PROVIDING CONTINUED CARE.

(B) EVERY EMPLOYEE OF THE OFFICE WHOSE PRIMARY RESPONSIBILITY IS TO PROVIDE RESPITE CARE SERVICES TO MENTALLY ILL PERSONS AND THEIR FAMILIES SHALL BE CERTIFIED IN FIRST AID AND CARDIOPULMONARY RESUSCITATION (CRP)/AUTOMATED EXTERNAL DEFIBRILLATOR USE (AED) WITHIN SIX MONTHS OF THE HIRING OF SUCH EMPLOYEE AND EVERY TWO YEARS THEREAFTER. THE EXPENSE OF SUCH TRAINING SHALL BE BORNE BY THE DEPARTMENT.

(C) THE OFFICE IS AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

S 2. The mental hygiene law is amended by adding a new section 13.41 to read as follows:

S 13.41 RESPITE CARE; FIRST AID AND CPR/AED TRAINING.

(A) FOR PURPOSES OF THE SECTION, THE TERM "RESPITE CARE" SHALL MEAN THE PROVISION OF INTERMITTENT TEMPORARY SUBSTITUTE CARE OF A PERSON WITH DEVELOPMENTAL DISABILITIES ON BEHALF OF AND IN THE ABSENCE OF THE PARENT OR LEGAL GUARDIAN OF SUCH PERSON, FOR THE PURPOSE OF PROVIDING RELIEF FROM THE STRESSES OF RESPONSIBILITIES OF PROVIDING CONTINUED CARE.

(B) EVERY EMPLOYEE OF THE OFFICE WHOSE PRIMARY RESPONSIBILITY IS TO PROVIDE RESPITE CARE SERVICES TO PERSONS WITH DEVELOPMENTAL DISABILITIES AND THEIR FAMILIES SHALL BE CERTIFIED IN FIRST AID AND CARDIOPULMONARY

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

LBD15033-01-2

RESUSCITATION (CPR)/AUTOMATE EXTERNAL DEFIBRILLATOR USE (AED) WITHIN SIX MONTHS OF THE HIRING OF SUCH EMPLOYEE AND EVERY TWO YEARS THEREAFTER. THE EXPENSE OF SUCH TRAINING SHALL BE BORNE BY THE DEPARTMENT.

(C) THE OFFICE IS AUTHORIZED AND DIRECTED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

S 3. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.