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

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:

Section 1. The public health law is amended by adding a new section 2803-t to read as follows:

S 2803-T. PROVISION OF LANGUAGE ASSISTANCE TO VISUALLY IMPAIRED PERSONS. 1. EVERY GENERAL HOSPITAL, NURSING HOME AND DIAGNOSTIC AND TREATMENT CENTER PROVIDING A COMPREHENSIVE RANGE OF PRIMARY HEALTH CARE SERVICES SHALL PROVIDE LANGUAGE AND HEARING ASSISTANCE SERVICES TO A PATIENT OR PATIENT ASSISTANT SO AS TO ENSURE THAT ALL PATIENTS WHO ARE VISUALLY OR HEARING IMPAIRED AND UNABLE TO READ AND COMPREHEND DOCUMENTS PROVIDED BY THE FACILITY WITH THE PROFICIENCY NECESSARY FOR ADEQUATE COMPREHENSION AND COMMUNICATION WITH HEALTH CARE PROVIDERS AND OTHER PERSONNEL HAVE EFFECTIVE ACCESS TO THE PROGRAMS AND SERVICES PROVIDED BY THE FACILITY, INCLUDING BUT NOT LIMITED TO HEALTH CARE, BILLING AND APPOINTMENT SCHEDULING PROGRAMS AND SERVICES. LANGUAGE AND HEARING 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.

2. (A) ALL FREQUENTLY USED FORMS, INCLUDING CONSENT FORMS, THE PATIENT BILL OF RIGHTS, PRE-OPERATIVE AND POST-OPERATIVE INFORMATION AND DISCHARGE INSTRUCTIONS, AS WELL AS OTHER WRITTEN MATERIALS THAT ARE 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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TO PROVIDE ADEQUATE ACCESS TO THE FACILITY'S SERVICES SHALL BE AVAILABLE IN LARGE PRINT FORMAT.

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

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

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

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

6. FOR PURPOSES OF THIS SECTION, "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.

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

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

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

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

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

S 4. 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.