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

3878--A

2011-2012 Regular Sessions

I N S E N A T E

March 8, 2011

Introduced by Sens. ESPAILLAT, MONTGOMERY, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to patient rights

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 2801-h to read as follows:

S 2801-H. PATIENT RIGHTS TO BE POSTED. THE COMMISSIONER SHALL REQUIRE ALL GENERAL HOSPITALS, WHICH PROVIDE EMERGENCY SERVICES, TO CONSPICUOUSLY POST IN A PROMINENT AND VISIBLE AREA A SIGN WHICH SHALL BE NO SMALLER THAN EIGHT AND ONE-HALF INCHES BY FOURTEEN INCHES AND WHICH SHALL CONTAIN THE FOLLOWING LANGUAGE:

"PATIENTS' RIGHTS IN CASE OF IMMEDIATE HOSPITALIZATION

EACH PATIENT SHALL HAVE THE RIGHT TO EMERGENCY TREATMENT REGARDLESS OF AGE, RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, DISABILITY, SEXUAL ORIENTATION, SOURCE OF PAYMENT, OR IMMIGRATION STATUS. NO PATIENT SHALL BE REQUIRED TO ANSWER QUESTIONS PRIOR TO PROVIDING TREATMENT CONCERNING THEIR INSURANCE OR METHOD OF PAYMENT."

S 2. Subdivision 1 of section 2805-b of the public health law, as amended by chapter 121 of the laws of 1987, is amended to read as follows:

1. Every general hospital shall admit any person who is in need of immediate hospitalization with all convenient speed and shall not before admission question the patient or any member of his or her family concerning insurance, credit or payment of charges, OR THE IMMIGRATION STATUS OF THE PATIENT, provided[, however,] that the patient or a member of his or her family shall agree to supply such information promptly after the patient's admission WITH THE EXCEPTION THAT THE PATIENT SHALL

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

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NOT BE REQUIRED TO ANSWER QUESTIONS RELATING TO HIS OR HER IMMIGRATION STATUS. However, no general hospital shall require any patient or member of his or her family to write or to sign during those times when the religious tenets of such person temporarily prohibit him or her from performing such acts. No general hospital shall transfer any patient to another hospital or health care facility on the grounds that the patient is unable to pay or guarantee payment for services rendered. Every general hospital which maintains facilities for providing out-patient emergency medical care must provide such care to any person who, in the opinion of a physician, requires such care.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.