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 ASSISTANT OR A NURSE PRACTITIONER, WHICH REPORT SHALL STATE: 7  (I) THAT THE PHYSICIAN, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER HAS 8  PHYSICALLY EXAMINED THE RESIDENT WITHIN ONE MONTH AND THE DATE OF SUCH 9  EXAMINATION;
10  (II) THAT THE RESIDENT IS NOT IN NEED OF ACUTE OR LONG TERM MEDICAL OR 11  NURSING CARE WHICH WOULD REQUIRE PLACEMENT IN A HOSPITAL OR RESIDENTIAL 12  HEALTH CARE FACILITY; AND 13  (III) THAT THE RESIDENT IS NOT OTHERWISE MEDICALLY OR MENTALLY UNSUIT- 14  ABLE FOR CARE IN THE FACILITY.
15  (B) FOR THE PURPOSE OF CREATING AN ACCESSIBLE AND AVAILABLE RECORD AND 16  ASSURING THAT A RESIDENT IS PROPERLY PLACED IN SUCH A FACILITY, THE 17  REPORT SHALL CONTAIN THE RESIDENT'S SIGNIFICANT MEDICAL HISTORY AND 18  CURRENT CONDITIONS, THE PRESCRIBED MEDICATION REGIMEN, RECOMMENDATIONS 19  FOR DIET, THE ASSISTANCE NEEDED IN THE ACTIVITIES OF DAILY LIVING, AND 20  WHERE APPROPRIATE, RECOMMENDATIONS FOR EXERCISE, RECREATION AND FREQUEN- 21  CY OF MEDICAL EXAMINATIONS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
(C) SUCH RESIDENT SHALL THEREAFTER BE EXAMINED BY A PHYSICIAN, A
PHYSICIAN ASSISTANT OR A NURSE PRACTITIONER AT LEAST ANNUALLY, AND SHALL
SUBMIT AN ANNUAL WRITTEN REPORT IN CONFORMITY WITH THE PROVISIONS OF
THIS SUBDIVISION.
(D) FOLLOWING A RESIDENT'S STAY IN A HOSPITAL OR RESIDENTIAL HEALTH
CARE FACILITY, UPON RETURN TO THE ASSISTED LIVING RESIDENCE, THE
ASSISTED LIVING RESIDENCE SHALL NOT BE REQUIRED TO OBTAIN THE REPORT IN
PARAGRAPH (A) OF THIS SUBDIVISION, AND INSTEAD SHALL OBTAIN A STATEMENT
FROM THE DISCHARGING FACILITY WHICH SHALL:
1. STATE THAT THE RESIDENT IS APPROPRIATE TO RETURN TO THE RESIDENCE;
AND
2. INCLUDE THE REASON FOR THE STAY, THE TREATMENT PLAN TO BE
FOLOWED, AND ANY NEW OR CHANGED ORDERS, INCLUDING MEDICATIONS.
THE STATEMENT SHALL BE COMPLETED BY A PHYSICIAN, A PHYSICIAN ASSISTANT
OR A NURSE PRACTITIONER.
(E) NOTHING REQUIRED IN THIS SUBDIVISION SHALL REQUIRE THE USE OF AN
IDENTICAL FORM IN ADULT CARE FACILITIES AND ASSISTED LIVING RESIDENCES,
EITHER UPON ADMISSION OR RETURN.

S 2. Subdivision 7 of section 461-c of the social services law, as
added by chapter 601 of the laws of 1981, is amended to read as follows:
7. (a) At the time of the admission to an adult care facility, other
than a shelter for adults, a resident shall submit to the facility a
written report from a physician, A PHYSICIAN ASSISTANT OR A NURSE PRACT-
ITIONER, which report shall state:
1. that the physician, PHYSICIAN ASSISTANT OR NURSE PRACTITIONER has
physically examined the resident within one month and the date of such
examination;
2. that the resident is not in need of acute or long term medical or
nursing care which would require placement in a hospital or residential
health care facility; and
3. that the resident is not otherwise medically or mentally
unsuited for care in the facility.
(b) For the purpose of creating an accessible and available record and
assuring that a resident is properly placed in such a facility, the
[physician's] report shall also contain the resident's significant
medical history and current conditions, the prescribed medication regi-
men, and recommendations for diet, the assistance needed in the activ-
ities of daily living and where appropriate, recommendations for exer-
cise, recreation and frequency of medical examinations.
(c) Such resident shall thereafter be examined by a physician, A
PHYSICIAN ASSISTANT OR A NURSE PRACTITIONER, at least annually and shall
submit an annual written report [from his physician] in conformity with
the provisions of this subdivision.
(D) FOLLOWING A RESIDENT'S STAY IN A HOSPITAL OR RESIDENTIAL HEALTH
CARE FACILITY, UPON RETURN TO THE ADULT CARE FACILITY, THE ADULT CARE
FACILITY SHALL NOT BE REQUIRED TO OBTAIN THE REPORT IN PARAGRAPH (A) OF
THIS SUBDIVISION, AND INSTEAD SHALL OBTAIN A STATEMENT FROM THE
DISCHARGING FACILITY WHICH SHALL:
1. STATE THAT THE RESIDENT IS APPROPRIATE TO RETURN TO THE FACILITY;
AND
2. INCLUDE THE REASON FOR THE RESIDENT'S STAY, THE TREATMENT PLAN TO
BE FOLLOWED, AND ANY NEW OR CHANGED ORDERS, INCLUDING MEDICATIONS.
THE STATEMENT SHALL BE COMPLETED BY A PHYSICIAN, A PHYSICIAN ASSISTANT
OR A NURSE PRACTITIONER.
(E) NOTHING REQUIRED IN THIS SECTION SHALL REQUIRE THE USE OF AN IDENTICAL FORM IN ADULT CARE FACILITIES AND ASSISTED LIVING RESIDENCES, EITHER UPON ADMISSION OR RETURN.

S 3. This act shall take effect immediately.