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

4261--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. RAIA, FINCH, McKEVITT, SALADINO, STEVENSON, MONTESANO, MILLER, GRAF -- Multi-Sponsored by -- M. of A. BARCLAY, BLANKENBUSH, GIGLIO, HAWLEY, JORDAN, McDONOUGH, OAKS, RABBITT, TEDISCO, TENNEY -- read once and referred to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT directing the office for the aging, in consultation with the department of health and other entities, to review studies conducted on evacuation, disaster and emergency preparedness plans at nursing homes, assisted living facilities and other housing for partly or wholly dependent persons and issue regulations aimed at correcting any failings found therein

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

Section 1. Within one year of the effective date of this act the New York state office for the aging, in consultation with the department of health, the New York state emergency management office, and the New York state office of public security, shall conduct a comprehensive review of recommendations made in the following reports: the Department of Health and Human Services, "Supplemental Information Regarding the Centers for Medicare & Medicaid Services Emergency Preparedness Checklist for Health Care Facilities" (OEI-06-09-00271),(April 13, 2012); the Department of Health and Human Services report "Gaps Continue to Exist in Nursing Home Emergency Preparedness and Response During Disasters" (OEI-06-09-00270),(March 2012); Manhattan Borough President Scott M. Stringer's Report "No Way Out An Analysis of the New York State Department of Health's Role in Preparing Nursing Homes For Emergencies" (December 2006); and Richard L. Brodsky chairman, committee on corporations, authorities and commissions "Final Report on New York City Emergency Response and Evacuation Plans in the Event of a Weather-Related Emergency", (March 23, 2006). Upon such review, such agencies may

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

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request any additional supporting information or input from stakeholders, facility residents, advocacy groups, facility operators and any government or public entity deemed relevant including, but not limited to the New York state office of long term care ombudsman. As part of this review, such agencies may focus an additional study on the evacuation of nursing homes, assisted living facilities and other housing for partly or wholly dependent persons during Hurricane Sandy with the goal of developing regulations to address problems.

S 2. Within one year of the completion of such review such agencies shall issue regulations with regard to state wide requirements for evacuation, disaster and emergency preparedness plans at nursing homes, assisted living facilities and other housing for partly or wholly dependent persons.

S 3. The commissioner of the department of health shall establish and implement an inspection system whereby all nursing homes, assisted living facilities and other housing for partly or wholly dependent persons are reviewed for compliance with regulations pertaining to evacuation, disaster and emergency preparedness plans every six months. The commissioner of the department of health shall ensure that investigators conducting inspections are regularly trained on the assessment of facilities and compliance with all regulations. Further, such commissioner may increase penalties and fines accessed against any nursing homes, assisted living facilities and other housing for partly or wholly dependent persons that fail to comply with regulations and requirements for evacuation, disaster and emergency preparedness plans.

S 4. Within one year of the effective date of this act the department of health, the New York state emergency management office and the New York state office of public security shall study the placement and maintenance of emergency power equipment in all hospitals, clinics and other facilities licensed under article 28 of the public health law. Within one year of the effective date of this act such agencies shall prepare a report including recommendations and guidelines relative to the existence, placement and maintenance of emergency power equipment in such facilities and any recommendations for modifying or improving the availability, use and effectiveness of such equipment, and a determination of the cost of such implementation and improvements. Such report shall be provided to the governor, the speaker of the assembly, the temporary president of the senate, the assembly minority leader, the senate minority leader and the chairpersons and ranking members of the senate and assembly committees on aging and health. Such report shall also be made available on any web sites maintained by the office for the aging, the department of health and other participating agencies.

S 5. This act shall take effect immediately.