

7561

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. BENEDETTO, HAWLEY -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the public health law, in relation to clarifying eligibility requirements for admission to the New York state veterans' home

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

1 Section 1. Subdivision 1 of section 2632 of the public health law, as
2 amended by chapter 467 of the laws of 1991, the opening paragraph as
3 amended by chapter 455 of the laws of 2002, paragraph (d) as amended by
4 chapter 616 of the laws of 1995 and paragraph (f) as amended by chapter
5 179 of the laws of 2006, is amended to read as follows:
6 1. Every veteran of the armed forces of the United States, who (i) was
7 separated or discharged under honorable conditions after serving on
8 active duty therein for a period of not less than thirty days, or (ii)
9 was separated or discharged under honorable conditions after serving on
10 active duty therein for a period of not less than thirty days and who
11 was a recipient of the armed forces expeditionary medal, navy expedi-
12 tionary medal or marine corps expeditionary medal for participation in
13 operations in Lebanon from June first, nineteen hundred eighty-three to
14 December first, nineteen hundred eighty-seven, in Grenada from October
15 twenty-third, nineteen hundred eighty-three to November twenty-first,
16 nineteen hundred eighty-three, or in Panama from December twentieth,
17 nineteen hundred eighty-nine to January thirty-first, nineteen hundred
18 ninety, OR IN BOSNIA AND HERZGEGOVINA FROM NOVEMBER TWENTY-FIRST, NINE-
19 TEEN HUNDRED NINETY-FIVE TO NOVEMBER FIRST, TWO THOUSAND SEVEN, OR WAS A
20 RECIPIENT OF THE KOSOVO CAMPAIGN MEDAL or (iii) was separated or
21 discharged under honorable conditions after serving on active duty ther-
22 ein for a period of not less than thirty days and who served during the
23 period of actual hostilities of either
24 (a) the Spanish-American war; or

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

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- 1 (b) the incidental insurrection in the Philippines prior to July
2 fourth, nineteen hundred two; or
- 3 (c) world war I between April sixth, nineteen hundred seventeen and
4 November eleventh, nineteen hundred eighteen, both inclusive; or
- 5 (d) world war II between December seventh, nineteen hundred forty-one
6 and December thirty-first, nineteen hundred forty-six, both inclusive,
7 or who was employed by the War Shipping Administration or Office of
8 Defense Transportation or their agents as a merchant seaman documented
9 by the United States Coast Guard or Department of Commerce, or as a
10 civil servant employed by the United States Army Transport Service
11 (later redesignated as the United States Army Transportation Corps,
12 Water Division) or the Naval Transportation Service; and who served
13 satisfactorily as a crew member during the period of armed conflict,
14 December seventh, nineteen hundred forty-one, to August fifteenth, nine-
15 teen hundred forty-five, aboard merchant vessels in oceangoing, i.e.,
16 foreign, intercoastal, or coastwise service as such terms are defined
17 under federal law (46 USCA 10301 & 10501) and further to include "near
18 foreign" voyages between the United States and Canada, Mexico, or the
19 West Indies via ocean routes, or public vessels in oceangoing service or
20 foreign waters and who has received a Certificate of Release or
21 Discharge from Active Duty and a discharge certificate, or an Honorable
22 Service Certificate/Report of Casualty, from the Department of Defense,
23 or who served as a United States civilian employed by the American Field
24 Service and served overseas under United States Armies and United States
25 Army Groups in world war II during the period of armed conflict, Decem-
26 ber seventh, nineteen hundred forty-one through May eighth, nineteen
27 hundred forty-five, and who was discharged or released therefrom under
28 honorable conditions, or who served as a United States civilian Flight
29 Crew and Aviation Ground Support Employee of Pan American World Airways
30 or one of its subsidiaries or its affiliates and served overseas as a
31 result of Pan American's contract with Air Transport Command or Naval
32 Air Transport Service during the period of armed conflict, December
33 fourteenth, nineteen hundred forty-one through August fourteenth, nine-
34 teen hundred forty-five, and who was discharged or released therefrom
35 under honorable conditions; or
- 36 (e) Korean conflict between June twenty-seventh, nineteen hundred
37 fifty and January thirty-first, nineteen hundred fifty-five, both inclu-
38 sive; or
- 39 (f) Viet Nam conflict between February twenty-eighth, nineteen hundred
40 sixty-one and May seventh, nineteen hundred seventy-five, both inclu-
41 sive; or
- 42 (g) VETERANS WHO SERVED IN THE UNITED STATES MILITARY AND WERE EXPOSED
43 TO RADIATION DURING MILITARY SERVICE IN A "RADIATION-RISK ACTIVITY"
44 DEFINED AS PARTICIPATION IN THE OCCUPATION OF HIROSHIMA OR NAGASAKI,
45 JAPAN BETWEEN AUGUST SIXTH, NINETEEN HUNDRED FORTY-FIVE THROUGH JULY
46 FIRST, NINETEEN HUNDRED FORTY-SIX; WERE PRISONERS OF WAR IN JAPAN DURING
47 WORLD WAR II; ONSITE PARTICIPATION IN A TEST INVOLVING THE ATMOSPHERIC
48 DETONATION OF A NUCLEAR DEVICE, WHETHER OR NOT THE TESTING NATION WAS
49 THE UNITED STATES; OR
- 50 (H) in the Persian Gulf conflict from the second day of August, nine-
51 teen hundred ninety to the end of such conflict INCLUDING MILITARY
52 SERVICE IN OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM OR OPERA-
53 TION NEW DAWN AND WAS THE RECIPIENT OF THE GLOBAL WAR ON TERRORISM
54 EXPEDITIONARY MEDAL OR THE IRAQ CAMPAIGN MEDAL OR THE AFGHANISTAN
55 CAMPAIGN MEDAL; and who was a resident of the state of New York at the
56 time of entry upon such active duty or who shall have been a resident of

1 this state for one year next preceding the application for admission
2 shall be entitled to admission to said home after the approval of the
3 application by the board of visitors, subject to the provisions of this
4 article and to the conditions, limitations and penalties prescribed by
5 the regulations of the department. Any such veteran or dependent, who
6 otherwise fulfills the requirements set forth in this section, may be
7 admitted directly to the skilled nursing facility or the health related
8 facility provided such veteran or dependent is certified by a physician
9 designated or approved by the department to require the type of care
10 provided by such facilities.

11 S 2. This act shall take effect on the thirtieth day after it shall
12 have become a law.