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

3844

2013-2014 Regular Sessions

I N S E N A T E

February 22, 2013

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the implementation and use of a mandatory universal transfer form

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 2995-e to read as follows:

S 2995-E. UNIVERSAL TRANSFER FORM. 1. THE DEPARTMENT SHALL ESTABLISH A UNIVERSAL TRANSFER FORM TO BE USED BY ALL LICENSED HEALTHCARE FACILITIES OR PROGRAMS WHENEVER A PATIENT IS TRANSFERRED TO ANOTHER LICENSED HEALTHCARE FACILITY OR PROGRAM.

2. THE UNIVERSAL TRANSFER FORM ESTABLISHED BY THE DEPARTMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

(A) TRANSFER FROM;
(B) TRANSFER TO;
(C) DATE AND TIME OF TRANSFER;
(D) PATIENT NAME;
(E) PATIENT'S DATE OF BIRTH;
(F) GENDER;
(G) PRIMARY LANGUAGE OF PATIENT;
(H) PHYSICIAN'S NAME AND PHONE NUMBER;
(I) CONTACT PERSON WITH INFORMATION;
(J) REASON FOR TRANSFER;
(K) PAIN;
(L) PRIMARY, SECONDARY, MENTAL HEALTH DIAGNOSIS;
(M) RESTRAINTS;
(N) RESPIRATORY NEEDS;
(O) ISOLATION/PRECAUTIONS;
(P) ALLERGIES;
(Q) SENSORY;

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

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(R) SKIN CONDITIONS;
(S) IV ACCESS;
(T) DIET;
(U) PERSONAL ITEMS SENT WITH PATIENT;
(V) ATTACHED DOCUMENTS;
(W) AT-RISK ALERTS;
(X) MENTAL STATUS;
(Y) IMMUNIZATIONS/SCREENINGS;
(Z) BOWEL/BLADDER FUNCTIONS;
(AA) SENDING FACILITY CONTACT INFORMATION;
(BB) CONTACT INFORMATION OF THE PERSON WHO FILLED OUT THE FORM.

3. THE UNIVERSAL TRANSFER FORM SHALL NOT BE COMPLETE IF MEDICATION INFORMATION IS NOT ATTACHED.

4. (A) A LICENSED HEALTHCARE FACILITY OR PROGRAM SHALL SEND A COMPLETED, PAPER COPY OF THE UNIVERSAL TRANSFER FORM WITH A PATIENT WHEN A PATIENT IS TRANSFERRED.

(B) A LICENSED HEALTHCARE FACILITY OR PROGRAM SHALL SEND AN ELECTRONIC COPY OF THE UNIVERSAL TRANSFER FORM, WITH ATTACHMENTS, TO THE LICENSED HEALTHCARE FACILITY OR PROGRAM RECEIVING THE PATIENT WITHIN TWENTY-FOUR HOURS THE PATIENT IS TRANSFERRED.

5. A LICENSED HEALTHCARE FACILITY OR PROGRAM SHALL RETAIN A COMPLETED COPY OF THE UNIVERSAL TRANSFER FORM SENT WITH A PATIENT WHEN A PATIENT IS TRANSFERRED AS PART OF THE PATIENT'S MEDICAL RECORD.

6. A LICENSED HEALTHCARE FACILITY OR PROGRAM SHALL DEVELOP AND IMPLEMENT WRITTEN POLICIES AND PROCEDURES ADDRESSING THE REQUIRED USE OF THE UNIVERSAL TRANSFER FORM BY A LICENSED HEALTHCARE FACILITY OR PROGRAM'S STAFF, METHOD OF TRANSPORTATION, PROCEDURES FOR SECURITY OF THE RESIDENT AND ALL PERSONAL BELONGINGS OR OTHER ITEMS THAT ACCOMPANY OR IMMEDIATELY FOLLOW A TRANSFERRED RESIDENT.

7. EMERGENCY DEPARTMENTS SHALL BE EXEMPT FROM MANDATORY USE OF THE UNIVERSAL TRANSFER FORM, BUT SHALL FOLLOW HOSPITAL PROCEDURES REGARDING DOCUMENTATION.

8. THE COMMISSIONER SHALL MAKE, ADOPT, PROMULGATE AND ENFORCE SUCH RULES AND REGULATIONS, AS HE OR SHE MAY DEEM APPROPRIATE, TO EFFECTUATE THE PURPOSES OF THIS SECTION.

9. FOR PURPOSES OF THIS SECTION, "HEALTHCARE FACILITY" MEANS THE FACILITY OR INSTITUTION WHETHER PUBLIC OR PRIVATE, ENGAGED PRINCIPALLY IN PROVIDING SERVICES FOR HEALTH MAINTENANCE ORGANIZATIONS, DIAGNOSIS, OR TREATMENT OF HUMAN DISEASE, PAIN, INJURY, DEFORMITY, OR PHYSICAL CONDITION, INCLUDING, BUT NOT LIMITED TO, A GENERAL HOSPITAL, SPECIAL HOSPITAL, MENTAL HOSPITAL, PUBLIC HEALTH CENTER, DIAGNOSTIC CENTER, TREATMENT CENTER, REHABILITATION CENTER, EXTENDED CARE FACILITY, SKILLED NURSING HOME, NURSING HOME, INTERMEDIATE CARE FACILITY, TUBERCULOSIS HOSPITAL, CHRONIC DISEASE HOSPITAL, MATERNITY HOSPITAL, OUTPATIENT CLINIC, DISPENSARY, HOME HEALTH CARE AGENCY, RESIDENTIAL HEALTHCARE FACILITY, AND BIOANALYTICAL LABORATORY (EXCEPT AS SPECIFICALLY EXCLUDED HEREUNDER) OR CENTRAL SERVICES FACILITY SERVING ONE OR MORE SUCH INSTITUTIONS BUT EXCLUDING INSTITUTIONS THAT PROVIDE HEALING SOLELY BY PRAYER AND EXCLUDING SUCH BIOANALYTICAL LABORATORIES AS ARE INDEPENDENTLY OWNED AND OPERATED, AND ARE NOT OWNED, OPERATED, MANAGED, OR CONTROLLED, IN WHOLE OR IN PART, DIRECTLY OR INDIRECTLY BY ANY ONE OR MORE HEALTHCARE FACILITIES, AND THE PREDOMINANT SOURCE OF BUSINESS OF WHICH IS NOT BY CONTRACT WITH HEALTHCARE FACILITIES WITHIN THE STATE OF NEW YORK AND WHICH SOLICIT OR ACCEPT SPECIMENS AND OPERATE PREDOMINANTLY IN INTERSTATE COMMERCE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.