

3926--A

Cal. No. 477

2013-2014 Regular Sessions

I N S E N A T E

February 27, 2013

Introduced by Sens. HANNON, FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to patient notice of the provision of observation services

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

1 Section 1. The public health law is amended by adding a new section  
2 2805-w to read as follows:  
3 S 2805-W. PATIENT NOTICE OF OBSERVATION SERVICES. 1. EVERY GENERAL  
4 HOSPITAL SHALL PROVIDE PATIENTS WHO ARE PLACED INTO OBSERVATION SERVICES  
5 BY SUCH GENERAL HOSPITAL WITH AN ORAL AND WRITTEN NOTICE WITHIN TWENTY-  
6 FOUR HOURS OF SUCH PLACEMENT THAT THE PATIENT IS NOT ADMITTED TO THE  
7 HOSPITAL AND IS UNDER OBSERVATION STATUS. SUCH WRITTEN NOTICE SHALL BE  
8 SIGNED BY THE PATIENT OR THE PATIENT'S LEGAL REPRESENTATIVE TO ACKNOWLEDGE  
9 RECEIPT AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING  
10 INFORMATION:  
11 (A) A STATEMENT THAT OBSERVATION STATUS MAY AFFECT THE PATIENT'S MEDI-  
12 CARE, MEDICAID AND/OR PRIVATE INSURANCE COVERAGE FOR THE CURRENT HOSPI-  
13 TAL SERVICES, INCLUDING MEDICATIONS AND OTHER PHARMACEUTICAL SUPPLIES,  
14 AS WELL AS COVERAGE FOR ANY SUBSEQUENT DISCHARGE TO A SKILLED NURSING  
15 FACILITY OR HOME AND COMMUNITY BASED CARE; AND  
16 (B) THAT THE PATIENT SHOULD CONTACT HIS OR HER INSURANCE PLAN TO  
17 BETTER UNDERSTAND THE IMPLICATIONS OF BEING PLACED IN OBSERVATION  
18 STATUS.  
19 2. THE COMMISSIONER SHALL DEVELOP AND MAKE AVAILABLE GUIDANCE ON THE  
20 NOTICE AS DESCRIBED IN THIS SECTION.  
21 S 2. This act shall take effect immediately, except that subdivision 1  
22 of section 2805-w of the public health law, as added by section one of  
23 this act, shall take effect on the ninetieth day after this act shall  
24 have become a law.

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

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