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

S. 2128--B A. 3048--B

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

January 21, 2015

IN SENATE -- Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. MALLIOTAKIS, FITZPATRICK, SIMANOWITZ, KEARNS, DiPIETRO, GOODELL, RAIA, TENNEY, PALUMBO, LUPINACCI, MONTESANO, McDONOUGH, CERETTO, STEC, CURRAN -- Multi-Sponsored by -- M. of A. GRAF -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to periodic diagnostic and treatment center inspection

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

Section 1. Section 2801 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. "DIAGNOSTIC AND TREATMENT CENTER" MEANS ANY HOSPITAL AS DEFINED BY SUBDIVISION ONE OF THIS SECTION OPERATING AS A DIAGNOSTIC AND TREATMENT CENTER AUTHORIZED TO PROVIDE AMBULATORY SURGICAL SERVICES, INCLUDING BUT NOT LIMITED TO DIAGNOSTIC AND TREATMENT CENTERS REGULATED BY PART SEVEN HUNDRED FIFTY-FIVE OR PART SEVEN HUNDRED FIFTY-SIX OF TITLE TEN OF THE NEW YORK CODE OF RULES AND REGULATIONS.

S 2. The public health law is amended by adding a new section 2828 to read as follows:

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

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S 2828. POWERS AND DUTIES OF THE COMMISSIONER. 1. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ARTICLE, INCLUDING, BUT NOT LIMITED TO, REGULATIONS ESTABLISHING STANDARDS FOR CLEANLINESS, HYGIENE, AND SAFETY.

2. THE DEPARTMENT, UNDER THE DIRECTION OF THE COMMISSIONER, SHALL INSPECT EACH DIAGNOSTIC AND TREATMENT CENTER NOT LESS THAN BIENNIALLY. THE COMMISSIONER MAY APPOINT AND DESIGNATE, FROM TIME TO TIME, PERSONS TO MAKE THE INSPECTIONS AUTHORIZED BY THIS ARTICLE.

3. THE COMMISSIONER SHALL CREATE A BIENNIAL REPORT INDICATING THE RESULTS OF ALL INDIVIDUAL INSPECTIONS AND DELIVER A COPY TO THE ASSEMBLY, THE SENATE, AND THE GOVERNOR.

4. THE COMMISSIONER MAY BY REGULATION AUTHORIZE ANY COUNTY OR MUNICIPAL DEPARTMENT OF HEALTH TO ADMINISTER THIS SECTION WITHIN ITS JURISDICTION.

5. PROVISIONS OF THIS SECTION SHALL NOT APPLY TO FACILITIES ACCREDITED BY THE JOINT COMMISSION ON ACCREDITATION OF HEALTHCARE ORGANIZATIONS.

S 3. This act shall take effect immediately.