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2015-2016 Regular Sessions

I N A S S E M B L Y

February 27, 2015

Introduced by M. of A. CYMBROWITZ, RAIA, BARRETT, MOSLEY, ENGLEBRIGHT, MILLER, ROSENTHAL, GALEF, McKEVITT, MONTESANO, TITUS, BORELLI, ROBERTS, HOOPER, FINCH -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, BLANKENBUSH, BRENNAN, BUCHWALD, BUTLER, CLARK, COOK, JAFFEE, McDONOUGH, McLAUGHLIN, MOYA, PERRY, TENNEY, TITONE -- read once and referred to the Committee on Health

AN ACT in relation to the formulation and implementation of a statewide plan for evacuation and disaster and emergency preparedness plans at nursing homes and assisted living facilities, requiring inspections of such facilities to ensure compliance with the state-wide plan and requiring the department of health to prepare a report including recommendations and guidelines relative to the existence, placement, and maintenance of emergency power equipment in hospitals and other facilities licensed under article 28 of the public health law

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

1 Section 1. Within one year of the effective date of this act the
2 department of health, in consultation with the office for the aging and
3 the emergency management office of the department of homeland security
4 and emergency services shall conduct a comprehensive review of recommen-
5 dations made in the following reports: the Department of Health and
6 Human Services, "Supplemental Information Regarding the Centers for
7 Medicare & Medicaid Services Emergency Preparedness Checklist for Health
8 Care Facilities" (OEI-06-09-00271) (April 13, 2012); the Department of
9 Health and Human Services report "Gaps Continue to Exist in Nursing Home
10 Emergency Preparedness and Response During Disasters" (OEI-06-09-00270)
11 (March 2012); Manhattan Borough President Scott M. Stringer's Report
12 "No Way Out: An Analysis of the New York State Department of Health's
13 Role in Preparing Nursing Homes For Emergencies" (December 2006); and
14 the Assembly Committee on Corporations, Authorities and Commission's
15 "Final Report on New York City Emergency Response and Evacuation Plans

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

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1 in the Event of a Weather-Related Emergency" (March 23, 2006). Upon such
2 review, such agencies may request any additional supporting information
3 or input from stakeholders, facility residents, advocacy groups, facili-
4 ty operators, and any government or public entity deemed relevant,
5 including, but not limited, to the office of long term care ombudsman.
6 As part of this review, such agencies may focus an additional study on
7 the evacuation of nursing homes and assisted living facilities during
8 Hurricane Sandy with the goal of developing regulations to address prob-
9 lems.

10 S 2. Within one year of the completion of such review the department
11 of health shall issue a report detailing any statutory or regulatory
12 changes it recommends to facilitate a comprehensive statewide plan for
13 evacuation and disaster and emergency preparedness plans at nursing
14 homes and assisted living facilities.

15 S 3. The commissioner of the department of health shall establish and
16 implement an inspection system whereby all nursing homes and assisted
17 living facilities are reviewed for compliance with regulations pertain-
18 ing to evacuation, disaster and emergency preparedness plans every six
19 months. The commissioner shall ensure that investigators conducting
20 inspections are regularly trained on the assessment of facilities and
21 compliance with all regulations.

22 S 4. Within one year of the effective date of this act, the department
23 of health, in consultation with the emergency management office of the
24 department of homeland security and emergency services, shall study the
25 placement and maintenance of emergency power equipment in all hospitals,
26 clinics and other facilities licensed under article 28 of the public
27 health law. Within one year of the effective date of this act such
28 agencies shall prepare a report including recommendations and guidelines
29 relative to the existence, placement and maintenance of emergency power
30 equipment in such facilities and any recommendations for modifying or
31 improving the availability, use and effectiveness of such equipment, and
32 a determination of the cost of such implementation and improvements.
33 Such report shall be provided to the governor, the speaker of the assem-
34 bly, the temporary president of the senate, the assembly minority lead-
35 er, and the senate minority leader.

36 S 5. This act shall take effect immediately.