

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

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I N A S S E M B L Y

February 29, 2016

Introduced by M. of A. CUSICK, GOTTFRIED, GUNTHER, COLTON, BENEDETTO, JAFFEE, TITONE, COOK, HOOPER, ROSENTHAL, RAIA, WEPRIN, MOSLEY, SKOUFIS, CAHILL, DAVILA, MURRAY, PALUMBO, RIVERA, SEPULVEDA, WALKER -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BLAKE, BRAUNSTEIN, GLICK, HIKIND, MAGEE, PERRY, SCHIMEL, SIMANOWITZ -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to provisions for home-care and hospice in comprehensive emergency management plans

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

1 Section 1. Subdivision 1 of section 23 of the executive law, as
2 amended by section 4 of part B of chapter 56 of the laws of 2010, is
3 amended to read as follows:
4 1. Each county, except those contained within the city of New York,
5 and each CITY WITH A POPULATION OF ONE MILLION OR MORE, SHALL PREPARE A
6 COMPREHENSIVE EMERGENCY MANAGEMENT PLAN. EACH city WITH A POPULATION OF
7 LESS THAN ONE MILLION, town and village is authorized to prepare A
8 comprehensive emergency management [plans] PLAN. The disaster prepared-
9 ness commission shall provide assistance and advice for the development
10 of such plans. [City] EACH CITY WITH A POPULATION OF LESS THAN ONE
11 MILLION, town and village [plans] PLAN shall be coordinated with the
12 county plan.
13 S 2. Subdivision 5 of section 23 of the executive law, as amended by
14 section 4 of part B of chapter 56 of the laws of 2010, is amended to
15 read as follows:
16 5. In preparing such plans, cooperation, advice and assistance shall
17 be sought from local government officials, regional and local planning
18 agencies, police agencies, fire departments and fire companies, local
19 emergency management agencies, commercial and volunteer ambulance
20 services, health and social services officials, community action agen-

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

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cies, the chief administrator of the courts, organizations for the elderly and the handicapped, AGENCIES AND ORGANIZATIONS THAT PROVIDE HOME HEALTH CARE SERVICES, AGENCIES AND ORGANIZATIONS THAT PROVIDE HOSPICE SERVICES, other interested groups and the general public. Such advice and assistance may be obtained through public hearings held on public notice, or through other appropriate AND PRACTICAL methods.

S 3. Subparagraphs 17 and 18 of paragraph b of subdivision 7 of section 23 of the executive law, as amended by section 4 of part B of chapter 56 of the laws of 2010, are amended and a new subparagraph 19 is added to read as follows:

(17) continued operation of governments of political subdivisions;
[and]

(18) utilization and coordination of programs to assist individuals with household pets and service animals following a disaster, with particular attention to means of evacuation, shelter and transportation options[.]; AND

(19) PROCEDURES FOR ALLOWING ACCESS BY PHYSICIANS, NURSES, OTHER MEDICAL PROFESSIONALS, PERSONNEL OF CERTIFIED HOME HEALTH AGENCIES, LONG TERM HOME HEALTH CARE PROGRAMS OR LICENSED HOME CARE SERVICES AGENCIES GOVERNED UNDER ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW, AND PERSONNEL OF HOSPICES CERTIFIED PURSUANT TO ARTICLE FORTY OF THE PUBLIC HEALTH LAW OR ANY OTHER PERSONNEL DEEMED NECESSARY TO PROVIDE VITAL HEALTH CARE TO INDIVIDUALS IN THEIR CARE; SUCH PROCEDURES SHALL ALSO ADDRESS HOW SUCH PROFESSIONALS AND PERSONNEL WILL BE REQUIRED TO BE IDENTIFIED IN ORDER TO GAIN ACCESS TO AREAS WHERE ACCESS HAS OTHERWISE BEEN RESTRICTED OR SUBJECT TO CURFEW IN DECLARED EMERGENCIES. SUCH PROCEDURES SHALL ENSURE THAT ACCESS BY SUCH PROFESSIONALS AND PERSONNEL IN AREAS WHERE ACCESS HAS OTHERWISE BEEN RESTRICTED OR SUBJECT TO CURFEW SHALL NOT BE CONSTRUED TO PROHIBIT LOCAL EMERGENCY MANAGEMENT OFFICIALS FROM DENYING SUCH ACCESS WHEN IN THEIR DISCRETION CONDITIONS NECESSITATE SUCH A DENIAL.

S 4. Each county, and each city with a population of one million or more, that on the effective date of this act has already prepared a comprehensive emergency management plan shall revise such plan in the event such revisions are needed to comply with the provisions of this act, and shall submit such revised plan to the division of homeland security and emergency services on or before the one hundred eightieth day after the effective date of this act.

S 5. This act shall take effect immediately.