

# STATE OF NEW YORK

---

5060

2017-2018 Regular Sessions

## IN SENATE

March 6, 2017

---

Introduced by Sen. VALESKY -- 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 home care aides

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (d) of subdivision 1 of section 3614-c of the  
2 public health law, as amended by chapter 56 of the laws of 2016, is  
3 amended to read as follows:

4 (d) "Home care aide" means a home health aide, personal care aide,  
5 home attendant or other licensed or unlicensed person whose primary  
6 responsibility includes the provision of in-home assistance with activ-  
7 ities of daily living, instrumental activities of daily living or  
8 health-related tasks; provided, however, that home care aide does not  
9 include any individual (i) working on a casual basis, or (ii) who is a  
10 relative through blood, marriage or adoption of: (1) the employer; or  
11 (2) the person for whom the worker is delivering services, under a  
12 program funded or administered by federal, state or local government.  
13 Provided, however, that for purposes of this section, that nothing in  
14 this paragraph shall be construed to exclude such individuals described  
15 in subparagraph (ii) of this paragraph employed to provide these  
16 services under the provisions of section three hundred sixty-five-f of  
17 the social services law.

18 § 2. This act shall take effect immediately.

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

LBD10219-01-7