STATE OF NEW YORK

7846

2017-2018 Regular Sessions

IN ASSEMBLY

May 17, 2017

Introduced by M. of A. GOTTFRIED, LUPARDO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring that a hospice program providing hospice care in a patient's home shall comply with the home care services worker registry

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

Section 1. Paragraph (a) of subdivision 1 of section 3613 of the public health law, as amended by chapter 471 of the laws of 2016, is amended to read as follows:

(a) "Home care services entity" means a home care services agency or other entity providing home care services subject to this article or exempt under section thirty-six hundred nineteen of this article, [~~a hospice program certified pursuant to article forty of this chapter providing routine care at home under the hospice benefit,~~] or an enhanced assisted living residence licensed under article seven of the social services law and certified under article forty-six-B of this chapter providing enhanced assisted living services. **A hospice program under article forty of this chapter providing hospice care in a patient's home shall be considered a home care services entity only for the purpose of compliance with the home care services worker registry.**

§ 2. The public health law is amended by adding a new section 4013-b to read as follows:

§ 4013-b. Home care services worker registry. A hospice program providing hospice care in a patient's home shall comply with the home care services worker registry under section thirty-six hundred thirteen of this chapter.

§ 3. Subdivision 10 of section 2899-a of the public health law, as amended by chapter 94 of the laws of 2014, is amended to read as follows:

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

LBD11454-01-7

10. Notwithstanding subdivision eleven of section eight hundred forty-five-b of the executive law, a certified home health agency, licensed home care services agency or long term home health care program certified, licensed or approved under article thirty-six of this chapter or a home care services agency exempt from certification or licensure under article thirty-six of this chapter, **a hospice program under article forty of this chapter,** or an adult home, enriched housing program or residence for adults licensed under article seven of the social services law, may temporarily approve a prospective employee while the results of the criminal history information check and the determination are pending, upon the condition that the provider conducts appropriate direct observation and evaluation of the temporary employee, while he or she is temporarily employed, and the care recipient. The results of such observations shall be documented in the temporary employee's personnel file and shall be maintained. For purposes of providing such appropriate direct observation and evaluation, the provider shall utilize an individual employed by such provider with a minimum of one year's experience working in an agency certified, licensed or approved under article thirty-six of this chapter or an adult home, enriched housing program or residence for adults licensed under article seven of the social services law. If the temporary employee is working under contract with another provider certified, licensed or approved under article thirty-six of this chapter, such contract provider's appropriate direct observation and evaluation of the temporary employee, shall be considered sufficient for the purposes of complying with this subdivision.

§ 4. This act shall take effect immediately; provided that the amendments to paragraph (a) of subdivision 1 of section 3613 of the public health law made by section one of this act shall be subject to the expiration and reversion of such paragraph and shall expire and be deemed repealed therewith.