STATE OF NEW YORK

10394

IN ASSEMBLY

May 4, 2020

Introduced by M. of A. LENTOL, JACOBSON, EICHENSTEIN, ORTIZ, O'DONNELL, D'URSO, BUCHWALD, GLICK, GOTTFRIED, GRIFFIN, MOSLEY, SEAWRIGHT, SIMON, THIELE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring residential health care facilities to submit an annual pandemic emergency plan to the commissioner of health

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

Section 1. Section 2803 of the public health law is amended by adding a new subdivision 12 to read as follows:

12. (a) Each residential health care facility shall, no later than January first, two thousand twenty-one and annually thereafter, submit to the commissioner for approval a pandemic emergency plan which shall include but not be limited to:

(i) a communication plan to update families and guardians twice per day on a patient's condition;

(ii) protection plans against infection for staff, patients and families, including:

(A) a plan for hospitalized patients to be cleared of infection prior to readmission to such residential health care facility; and

(B) a plan for such residential health care facility to maintain at least a two-month supply of personal protective equipment; and

(iii) a plan for preserving a patient's place in a residential health care facility if such patient is hospitalized.

(b) The commissioner shall audit each residential health care facility for compliance with its plan and the applicable regulations on an annual basis.

(c) Within thirty days after the residential health care facility's receipt of written notice of noncompliance such residential health care facility shall submit a plan of correction in such form and manner as specified by the commissioner for achieving compliance with its plan and with the applicable regulations. The commissioner shall audit each such residential health care facility for compliance with its plan and the

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

LBD16260-01-0

applicable regulations within a reasonable time after submission of such plan of correction.

(d) Noncompliance with any provision of this subdivision shall be punishable as provided in section twelve-b of this chapter or in the penal law.

§ 2. This act shall take effect immediately.