STATE OF NEW YORK

11105

IN ASSEMBLY

November 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to infection control planning in residential health care facilities

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 13 to read as follows:

13. (a) The commissioner shall require residential health care facilities, as part of their pandemic emergency plan, establish and implement a plan or procedure designating a separate cohort area during an infectious disease outbreak in the residential health care facility including minimum standards for residential health care facilities infection control cohorting policies and/or procedures and shall inspect and evaluate all residential health care facilities cohort area policies or procedures.

(b) If a residential health care facility is unable to meet the minimum standards established by the commissioner under this subdivision, the facility may request approval for the waiver of this requirement. If a facility is incapable of establishing such cohorting policies and/or procedures, the commissioner may approve a waiver of a designated cohorting area at a facility.

(c) If a residential health care facility's cohorting policy or procedure is not approved by the commissioner, and the commissioner does not approve a waiver, the residential health care facility shall be subject to penalties determined by the commissioner. The commissioner shall establish penalties for facilities that violate the requirements of this subdivision which shall include, but are not limited to, license and/or state reimbursements contingent on a submitted and approved plan or an approved waiver.

§ 2. This act shall take effect immediately.

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

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