

# STATE OF NEW YORK

4756

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

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

AN ACT to amend the public health law, in relation to increasing monetary penalties for public health law violations and providing support for the nursing home quality improvement demonstration program

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

1 Section 1. Subdivision 1 of section 12 of the public health law, as  
2 amended by section 16 of part A of chapter 58 of the laws of 2008, is  
3 amended to read as follows:

4 1. (a) Except as provided in paragraphs (b) and (c) of this subdivi-  
5 sion, any person who violates, disobeys or disregards any term or  
6 provision of this chapter or of any lawful notice, order or regulation  
7 pursuant thereto for which a civil penalty is not otherwise expressly  
8 prescribed by law, shall be liable to the people of the state for a  
9 civil penalty of not to exceed [~~two~~] five thousand dollars for every  
10 such violation.

11 (b) The penalty provided for in paragraph (a) of this subdivision may  
12 be increased to an amount not to exceed [~~five~~] ten thousand dollars for  
13 a subsequent violation if the person committed the same violation, with  
14 respect to the same or any other person or persons, within twelve months  
15 of the initial violation for which a penalty was assessed pursuant to  
16 paragraph (a) of this subdivision and said violations were a serious  
17 threat to the health and safety of an individual or individuals.

18 (c) The penalty provided for in paragraph (a) of this subdivision may  
19 be increased to an amount not to exceed [~~ten~~] twenty thousand dollars if  
20 the violation directly results in serious physical harm to any patient  
21 or patients.

22 (d) Effective on and after April first, two thousand eight the comp-  
23 troller is hereby authorized and directed to deposit amounts, except as  
24 provided by paragraph (e) of this subdivision, collected in excess of

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

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1 two thousand dollars per violation to the patient safety center account  
2 to be used for purposes of the patient safety center created by title  
3 two of article twenty-nine-D of this chapter.

4 (e) Amounts collected from an operator of a residential health care  
5 facility licensed under article twenty-eight of this chapter in excess  
6 of ten thousand dollars per violation may be transferred as determined  
7 by the commissioner to the nursing home quality improvement demon-  
8 stration program, to be used under subdivision six of section twenty-  
9 eight hundred eight of this chapter in support of projects or programs  
10 designed to improve specific areas of quality of care.

11 § 2. This act shall take effect immediately; provided that the amend-  
12 ments to subdivision 1 of section 12 of the public health law made by  
13 section one of this act shall not affect the expiration of such subdivi-  
14 sion and shall be deemed to expire therewith.