STATE OF NEW YORK

113

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. ORTT -- 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 the "Unpredictable Nursing Home Inspection Act"

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

Section 1. This act shall be known and may be cited as the "Unpredictable Nursing Home Inspection Act".

§ 2. The public health law is amended by adding a new section 2808-e to read as follows:

§ 2808-e. Unpredictable nursing home inspections. 1. Definition. For the purposes of this section, the term "business hours" shall mean the hours between eight A.M. and six P.M. on a Monday, Tuesday, Wednesday, Thursday, or Friday, excluding federally observed holidays.

2. The department shall conduct no more than sixty percent of all nursing home inspections in a calendar year during business hours.

3. The department shall submit an annual report based on the previous year's nursing home inspections outside of business hours to the governor and attorney general no later than the thirty-first of January each year. Such report shall contain:

(a) a list of each nursing home within the state;

(b) the dates and times each inspection was completed, sorted by facility;

(c) a clear indication of whether each inspection was completed during business or non-business hours; and

(d) the percentage of inspections completed during business hours for each nursing home.

4. No department official shall give any form of notice of an impending inspection to any individual not employed by the department

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

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5. Any department official responsible for the scheduling of inspections who violates the provisions of this section shall be subject to suspension without pay and/or termination, as determined by the attorney general.

§ 3. On the effective date of this act, the governor shall send a copy of this act to the attorney general.

§ 4. This act shall take effect immediately.