STATE OF NEW YORK

8996

IN SENATE

September 23, 2020

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to the emergency or disaster treatment preparedness act

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

Section 1. The public health law is amended by adding a new article 30-E to read as follows:

ARTICLE 30-E

EMERGENCY OR DISASTER TREATMENT PREPAREDNESS ACT

Section 3090. Declaration of purpose.
3091. Definitions.
3092. Regional Step-Down Facility Plan.

§ 3090. Declaration of purpose. Given the devastating toll COVID-19 has taken on New York state, especially in nursing homes, assisted living facilities, and adult care facilities, and concerns about a second wave of the virus, or of future pandemics, it is essential that the state is better prepared to handle a future crisis. It is the purpose of this article to ensure precautions are taken to prevent the repeated mistake of returning COVID-19 positive patients to nursing homes, assisted living facilities and adult care facilities where the population is comprised of high-risk individuals.

§ 3091. Definitions. As used in this article:

1. The term "hospital" shall have the same meaning as such term is defined in subdivision one of section twenty-eight hundred one of this chapter and shall include any temporary health care facility established by the state or federal government in response to the COVID-19 pandemic or any other pandemic related response.

2. The term "nursing home" shall have the same meaning as such term is defined in subdivision two of section twenty-eight hundred one of this chapter.

3. The term "adult care facility" shall have the same meaning as such term is defined in subdivision twenty-one of section two of the social services law.

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

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4. The term "assisted living residence" shall have the same meaning as such term is defined in subdivision one of section forty-six hundred fifty-one of article forty-six-b of this chapter.

5. The term "step-down facility" shall mean a facility specifically established to temporarily care for individuals who have been discharged from a hospital after receiving treatment for COVID-19, or any other sickness related to a pandemic, to a nursing home, adult care facility or assisted living residence where such individual resides until it is safe for them to return, for the purpose of preventing the spread of COVID-19 or any other sickness related to a pandemic. Step-down facilities may also admit individuals from a nursing home, adult care facility or assisted living residence who have tested positive for COVID-19, or any other sickness related to a pandemic, or are suspected to be positive for such, who did not receive treatment or who were otherwise not admitted and subsequently discharged from a hospital.

§ 3092. Regional Step-Down Facility Plan. 1. The department, in consultation with organizations representing hospitals, nursing homes, adult care facilities and assisted living residences, shall develop a plan to establish regional step-down facilities to reduce the risk of transmission of COVID-19 or any other sickness related to a pandemic within nursing homes, adult care facilities or assisted living residences, particularly after an individual who has received treatment for COVID-19 or any other sickness related to a pandemic has been discharged from a hospital and would otherwise return to a nursing home, adult care facility or assisted living residence while still contagious. Such plan will account for a possible resurgence of the COVID-19 infection rate, or the emergence of any other sickness related to a pandemic.

2. The commissioner shall submit such plan to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly, and shall post such plan publicly on the department's website no later than October fifteenth, two thousand twenty.

3. The commissioner shall review and update the regional step-down facility plan biennially, or more frequently if the commissioner determines it necessary, and shall post such updated plan publicly on the department's website no later than October fifteenth of such year.

§ 2. This act shall take effect immediately.