

# STATE OF NEW YORK

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8999

## IN SENATE

September 23, 2020

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Introduced by Sens. RIVERA, MAY, SKOUFIS -- 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 reporting communicable diseases and deaths caused by such communicable diseases

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

1     Section 1. Subdivision 1 of section 206 of the public health law is  
2     amended by adding two new paragraphs (e-1) and (e-2) to read as follows:  
3       (e-1) ensure that the department updates its regular reporting of  
4       "Nursing Home and Adult Care Facility COVID Related Deaths Statewide" to  
5       include those COVID-19 confirmed and presumed positive cases of those  
6       residents who were transferred to a hospital and died in the hospital  
7       retrospective to March first, two thousand twenty. Such update shall  
8       occur and be publicly posted within thirty days of the effective date of  
9       this subdivision;

10      (e-2) share aggregate reports of information collected under the  
11      department's emergency survey system known as the Health Emergency  
12      Response Data System (HERDS), or its successor, with the entities  
13      completing and submitting the HERDS surveys, in order to support such  
14      entities' situational awareness and emergency response needs as dictated  
15      by the nature of the emergency; such reports shall be shared with  
16      surveyed entities as soon as practicable after the HERDS collection, and  
17      shall be in a form and interval appropriate to the collection frequency  
18      and circumstances of the emergency; for surveys of duration less than  
19      one week, reports shall be shared as soon as practicable, but not later  
20      than one week after final collection; for surveys of duration more than  
21      one week, such reports shall be shared no less frequently than weekly  
22      during the survey period. Information from such reports may be made  
23      public by the department and shall be used to ensure the department's  
24      public reports required pursuant to sections twenty-one hundred one-a  
25      and forty-one hundred forty of this chapter are accurate and timely;

26     § 2. The public health law is amended by adding a new section 2101-a  
27     to read as follows:

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

LBD17298-03-0

1       **S 2101-a. Communicable diseases; duty to report; transfer of individuals.** 1. When a communicable disease is reported by a person in charge  
2       of a state institution, pursuant to section two thousand one hundred  
3       five of this title, or a facility licensed under article twenty-eight of  
4       this chapter, pursuant to the provisions of section two thousand one  
5       hundred one of this title, the report shall include whether the individ-  
6       ual was transferred from another institution or facility, including an  
7       adult care facility, and identify the facility. The report shall also  
8       include whether the individual works in a health care facility and iden-  
9       tify the facility.  
10

11       **2. During a declared public health emergency, information collected by**  
12       **the state and local health districts on cases of a communicable disease**  
13       **associated with a declared public health emergency shall be maintained**  
14       **and updated on the department's website no less frequently than once per**  
15       **week to identify the number of cases of residents and staff at partic-**  
16       **ular nursing homes and adult care facilities, together with information**  
17       **on deaths of residents as required by section forty-one hundred forty of**  
18       **this chapter.**

19       § 3. Section 4140 of the public health law is amended by adding a new  
20       subdivision 4 to read as follows:

21       **4. Where the death is confirmed or presumed to have occurred from a**  
22       **disease which is designated in the sanitary code as a communicable**  
23       **disease, and the individual resided in a nursing home or adult care**  
24       **facility at or immediately prior to such death, the commissioner and the**  
25       **department of health of the city of New York and registrar of the**  
26       **district in which the death occurred shall, in addition to maintaining**  
27       **deaths by district, record such death as that of a nursing home or adult**  
28       **care facility resident even if the individual did not die in such facil-**  
29       **ity. During a declared public health emergency, such information shall**  
30       **be maintained and updated on the department's website no less frequently**  
31       **than once per week, together with information on cases of the communica-**  
32       **ble disease associated with the public health emergency of residents and**  
33       **staff as required by section twenty-one hundred one-a of this chapter.**

34       § 4. This act shall take effect immediately.