

STATE OF NEW YORK

10394--A

IN ASSEMBLY

May 4, 2020

Introduced by M. of A. LENTOL, JACOBSON, EICHENSTEIN, ORTIZ, O'DONNELL, D'URSO, BUCHWALD, GLICK, GOTTFRIED, GRIFFIN, MOSLEY, SEAWRIGHT, SIMON, THIELE, GALEF, COLTON -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring residential health care facilities to prepare an annual pandemic emergency plan

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

1 Section 1. Section 2803 of the public health law is amended by adding
2 a new subdivision 12 to read as follows:

3 12. (a) Each residential health care facility shall, no later than
4 ninety days after the effective date of this subdivision and annually
5 thereafter, or more frequently as may be directed by the commissioner,
6 prepare and make available to the public on the facility's website, and
7 immediately upon request, in a form acceptable to the commissioner, a
8 pandemic emergency plan which shall include but not be limited to:

9 (i) a communication plan:

10 (A) to update authorized family members and guardians of infected
11 residents at least once per day and upon a change in a resident's condi-
12 tion and at least once a week to update all residents and authorized
13 families and guardians on the number of infections and deaths at the
14 facility, by electronic or such other means as may be selected by each
15 authorized family member or guardian; and

16 (B) that includes a method to provide all residents with daily access,
17 at no cost, to remote videoconference or equivalent communication meth-
18 ods with family members and guardians; and

19 (ii) protection plans against infection for staff, residents and fami-
20 lies, including:

21 (A) a plan for hospitalized residents to be readmitted to such resi-
22 dential health care facility after treatment, in accordance with all
23 applicable laws and regulations; and

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

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1 (B) a plan for such residential health care facility to maintain or
2 contract to have at least a two-month supply of personal protective
3 equipment; and

4 (iii) a plan for preserving a resident's place in a residential health
5 care facility if such resident is hospitalized, in accordance with all
6 applicable laws and regulations.

7 (b) The residential health care facility shall prepare and comply with
8 the pandemic emergency plan. Failure to do so shall be a violation of
9 this subdivision and may be subject to civil penalties pursuant to
10 section twelve and twelve-b of this chapter. The commissioner shall
11 review each residential health care facility for compliance with its
12 plan and the applicable regulations in accordance with paragraphs (a)
13 and (b) of subdivision one of this section.

14 (c) Within thirty days after the residential health care facility's
15 receipt of written notice of noncompliance such residential health care
16 facility shall submit a plan of correction in such form and manner as
17 specified by the commissioner for achieving compliance with its plan and
18 with the applicable regulations. The commissioner shall ensure each such
19 residential health care facility complies with its plan of correction
20 and the applicable regulations.

21 (d) The commissioner shall promulgate any rules and regulations neces-
22 sary to implement the provisions of this subdivision.

23 § 2. This act shall take effect immediately.