

# STATE OF NEW YORK

4939

2019-2020 Regular Sessions

## IN ASSEMBLY

February 5, 2019

Introduced by M. of A. HAWLEY -- read once and referred 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:

1 Section 1. This act shall be known and may be cited as the "Unpredict-  
2 able Nursing Home Inspection Act".

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

5 § 2808-e. Unpredictable nursing home inspections. 1. Definition. For  
6 the purposes of this section, the term "business hours" shall mean the  
7 hours between eight A.M. and six P.M. on a Monday, Tuesday, Wednesday,  
8 Thursday, or Friday, excluding federally observed holidays.

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

11 3. The department shall submit an annual report based on the previous  
12 year's nursing home inspections outside of business hours to the gover-  
13 nor and attorney general no later than the thirty-first of January each  
14 year. Such report shall contain:

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

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

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

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

22 4. No department official shall give any form of notice of an impend-  
23 ing inspection to any individual not employed by the department

24 5. Any department official responsible for the scheduling of  
25 inspections who violates the provisions of this section shall be subject

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

LBD05349-01-9

1 to suspension without pay and/or termination, as determined by the  
2 attorney general.

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

5 § 4. This act shall take effect immediately.