

# STATE OF NEW YORK

5109

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

Introduced by M. of A. RAIA, JAFFEE, GIGLIO, B. MILLER, ABINANTI, D'URSO, LAWRENCE -- Multi-Sponsored by -- M. of A. PALMESANO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to authorizing the health department to develop regulations pertaining to hard of hearing hospital patients and others

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

1 Section 1. The public health law is amended by adding a new section  
2 2805-z to read as follows:

3 § 2805-z. Hospital; persons with a hearing impairment. 1. The follow-  
4 ing definitions shall apply to this section:

5 (a) "Hearing impairment" means a condition that has rendered a person  
6 hard of hearing, deaf, or deaf-blind.

7 (b) "Patient" means a person receiving health care at a hospital.

8 (c) "Responsible person" means a parent, guardian, or person otherwise  
9 responsible for the health care decisions of a patient.

10 2. The department shall adopt regulations concerning patients and  
11 responsible persons who have a hearing impairment, which shall require  
12 at least the following:

13 (a) Except where not medically feasible, all hospitals shall ascertain  
14 at the time of admission whether a patient or responsible person has a  
15 hearing impairment. If so, the hospital shall ascertain whether or not  
16 he or she needs an interpreter or an assistive listening device and his  
17 or her preferred method of communication.

18 (b) When necessary, hospitals must furnish a qualified interpreter to  
19 ensure effective communication between a patient or responsible person  
20 with a hearing impairment and the patient's physician and other hospital  
21 personnel.

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

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1 (c) A patient or responsible person with a hearing impairment may  
2 designate a person to serve as an interpreter for the purposes of this  
3 section.

4 (d) Hospitals must make available auxiliary hearing aids and assistive  
5 listening devices, which shall include, but not be limited to, hearing  
6 aid-compatible telephones, telephone handset amplifiers, and telecommu-  
7 nication devices for the deaf where necessary to ensure effective commu-  
8 nication.

9 (e) The restraint of the hands of a patient who has a hearing impair-  
10 ment shall be minimized.

11 (f) Procedures shall be developed to receive and address grievances  
12 concerning regulations promulgated under this section.

13 § 2. This act shall take effect on the first of January next succeed-  
14 ing the date on which it shall have become a law. Any regulations  
15 necessary for the implementation of this act on its effective date shall  
16 be promulgated on or before such date.