

# STATE OF NEW YORK

7185

## IN SENATE

January 10, 2020

Introduced by Sen. CARLUCCI -- 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 ordering services where the identified caregivers being unwilling or unable to give proper care

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

1 Section 1. Subdivision 4 of section 2994-11 of the public health law,  
2 as added by a chapter of the laws of 2019, amending the public health  
3 law relating to central venous lines, as proposed in legislative bill  
4 numbers S. 474 and A. 212, is REPEALED.

5 § 2. Subdivision 1 of section 2994-11 of the public health law, as  
6 added by chapter 391 of the laws of 2015, is amended to read as follows:

7 1. As soon as possible and not later than twenty-four hours prior to a  
8 patient's discharge from a hospital, the hospital shall consult with the  
9 identified caregiver along with the patient regarding the caregiver's  
10 capabilities and limitations and issue a discharge plan that describes a  
11 patient's after-care needs at his or her residence. In the event the  
12 hospital is unable to contact the designated caregiver, the lack of  
13 contact shall not interfere with, delay, or otherwise affect the medical  
14 care provided to the patient or an appropriate discharge of the patient.

15 In the event that the identified caregiver is unwilling or unable to  
16 confidently provide proper care, the hospital shall assess whether other  
17 services, including but not limited to home care services, are needed  
18 and, if necessary, order such services. The hospital shall promptly  
19 document the attempt in the patient's medical record. At minimum, a  
20 discharge plan shall include:

21 (a) the name and contact information of the caregiver identified under  
22 this article;

23 (b) a description of all after-care tasks recommended by the discharg-  
24 ing physician, taking into account the capabilities and limitations of  
25 the caregiver; and

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

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1 (c) contact information for health care, community resources, and  
2 long-term services and supports necessary to successfully carry out the  
3 patient's discharge plan.

4 § 3. This act shall take effect on the same date and in the same  
5 manner as a chapter of the laws of 2019, amending the public health law  
6 relating to central venous lines, as proposed in legislative bill  
7 numbers S. 474 and A. 212, takes effect.