STATE OF NEW YORK

8399

IN SENATE

May 21, 2020

Introduced by Sen. LIU -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to directing the commissioner of health to require each licensed home care service agency to submit an infection control plan and periodic reports detailing measures taken to protect clients from infection

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

Section 1. Section 3612 of the public health law is amended by adding a new subdivision 9 to read as follows:

9. (a) The commissioner shall require each health home or licensed home care services agency to submit an initial infection control plan and periodic reports detailing measures taken by the agency to protect its employees and clients from infection. The department may specify the frequency and format of such plans and reports, determine the type and amount of information to be submitted, and require the submission of supporting documentation, provided, however, that the department shall provide no less than ninety calendar days' notice before such reports are due. Such plan and reports shall be subject to approval by the department, and shall include, but not be limited to, a description of:

(i) the types of personal protection equipment (PPE) issued to the agency's employees and clients;

(ii) how frequently such PPE is issued;

(iii) how such PPE is delivered to the agency's employees and clients in a way that minimizes contact between the employee and client; and

(iv) the steps the agency is taking to ensure its employees are healthy including, but not limited to a description of:

(A) the process of initial testing of all employees;

(B) the process for testing of employees on a regular basis;

(C) the process of screening of employees for symptoms of illness, including fever or other signs of infection; and

(D) the steps that the agency will take to protect its employees and clients if any employee is found to be sick or symptomatic.

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

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(b) If the department determines that an infection control plan or periodic report submitted by a provider is inaccurate or incomplete, the department shall notify the provider in writing and advise the provider of the correction or additional information that the provider must submit. The provider must submit the corrected or additional information within thirty calendar days from the date the provider receives the notice.

(c) The department shall grant a provider an additional thirty calendar days to submit its original, corrected or additional infection control plan or periodic report when the provider, prior to the date the plan or report is due, submits a written request to the department for an extension and establishes to the department's satisfaction that the provider cannot submit the report by the date due for reasons beyond the provider's control.

(d) All infection control plans and periodic reports shall be certified by the owner, administrator, chief executive officer, or public official responsible for the operation of the provider. The personal protective equipment report form shall include a certification form, which shall specify who must certify the report.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.