STATE OF NEW YORK

3113

2021-2022 Regular Sessions

IN ASSEMBLY

January 22, 2021

Introduced by M. of A. KIM, M. MILLER, RA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing for nursing home residents to designate an essential person who would be permitted to be present at the nursing home with unrestricted access and provide aid to such resident; to provide for regular COVID-19 testing for such essential persons for the duration of the COVID-19 state disaster emergency; and providing for the repeal of certain provisions of such law relating thereto

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

Section 1. Section 2801 of the public health law is amended by adding a new subdivision 12 to read as follows:

12. "Essential person" shall mean a family member, attorney in fact or health care proxy who, prior to and after the COVID-19 state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty, was or regularly is present at a nursing home three or more days per week providing assistance to a resident of such nursing home. Such assistance shall include, but not be limited to, help with feeding, hygiene, mobility, dressing, emotional support and medication.

§ 2. Subdivision 3 of section 2803-c of the public health law is amended by adding a new paragraph r to read as follows:

r. Every patient shall have the right to designate one individual as an essential person. Such essential person shall act as an advocate for the resident, whose duties include, but are not be limited to, communicating with nursing home staff regarding the needs of such resident, reporting any suspected abuse or neglect on behalf of such resident or requesting additional care or a change in the current care plan if necessary.

§ 3. Section 2803-c of the public health law is amended by adding a new subdivision 6 to read as follows:

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

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6. a. Any individual designated as an essential person pursuant to this section shall be permitted unrestricted access and visitation to the resident at the nursing home in which such resident resides in order to provide the necessary aid described pursuant to this section.

b. Throughout the duration of the COVID-19 state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty, each nursing home shall require and provide for essential persons to be tested for COVID-19 on a weekly basis, and each essential person shall be required to wear adequate personal protective equipment (PPE) at all times while on the premises of such facility. If an essential person should test positive for COVID-19, he or she shall be denied access to the nursing home for a period of fourteen days and shall be required to self-quarantine during such period. At the conclusion of such fourteen-day period, such essential person shall be permitted to return to the nursing home so long as he or she has no symptoms of and produces a negative test result for COVID-19.

§ 4. This act shall take effect immediately, provided, however, that paragraph b of subdivision 6 of section 2803-c of the public health law as added by section three of this act shall expire and be deemed repealed on the same date the COVID-19 state disaster emergency declared pursuant to executive order 202 of 2020 has been lifted.