

STATE OF NEW YORK

4980

2021-2022 Regular Sessions

IN ASSEMBLY

February 9, 2021

Introduced by M. of A. GOTTFRIED -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to infection control
planning in residential health care facilities

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

1 Section 1. Section 2803 of the public health law is amended by adding
2 a new subdivision 13 to read as follows:

3 13. (a) The commissioner shall require residential health care facili-
4 ties, as part of their pandemic emergency plan, establish and implement
5 a plan or procedure designating a separate cohort area during an infec-
6 tious disease outbreak in the residential health care facility including
7 minimum standards for residential health care facilities infection
8 control cohorting policies and/or procedures and shall inspect and eval-
9 uate all residential health care facilities cohort area policies or
10 procedures.

11 (b) If a residential health care facility is unable to meet the mini-
12 imum standards established by the commissioner under this subdivision,
13 the facility may request approval for the waiver of this requirement. If
14 a facility is incapable of establishing such cohorting policies and/or
15 procedures, the commissioner may approve a waiver of a designated
16 cohorting area at a facility.

17 (c) If a residential health care facility's cohorting policy or proce-
18 dure is not approved by the commissioner, and the commissioner does not
19 approve a waiver, the residential health care facility shall be subject
20 to penalties determined by the commissioner. The commissioner shall
21 establish penalties for facilities that violate the requirements of this
22 subdivision which shall include, but are not limited to, license and/or
23 state reimbursements contingent on a submitted and approved plan or an
24 approved waiver.

25 § 2. This act shall take effect immediately.

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

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