# STATE OF NEW YORK

6109

2021-2022 Regular Sessions

# IN ASSEMBLY

March 10, 2021

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

AN ACT to amend the social services law, in relation to providing for group home residents to designate an essential person who would be permitted to be present at the group 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 371 of the social services law is amended by adding a new subdivision 22 to read as follows:

**22. "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 group home three or more days per week providing assistance to a resident of such group home. Such assistance shall include, but not be limited to, help with feeding, hygiene, mobility, dressing, emotional support and medication.**

§ 2. The social services law is amended by adding a new section 371-c to read as follows:

**§ 371-c. Rights of group home residents. 1. Every group home resident 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 limited to, communicating with group 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.**

**2. Any individual designated as an essential person pursuant to this section shall be permitted unrestricted access and visitation to the**

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

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**resident at the group home in which such resident resides in order to provide the necessary aid described pursuant to this section.**

**3. Throughout the duration of the COVID-19 state disaster emergency declared pursuant to executive order two hundred two of two thousand twenty, each group 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 group 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 group home so long as he or she has no symptoms of and produces a negative test result for COVID-19.**

§ 3. This act shall take effect immediately, provided, however, that subdivision 3 of section 371-c of the social services law as added by section two 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.