AN ACT to amend the mental hygiene law, in relation to prohibiting the admission of COVID-19 positive residents to residential facilities for persons with developmental disabilities; and to amend the public health law, in relation to requiring an emergency treatment plan for COVID-19 positive residents of such facilities

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

Section 1. The mental hygiene law is amended by adding a new section 13.44 to read as follows:

§ 13.44 Admission of COVID-19 positive residents.

Notwithstanding any law, rule, regulation or guidance to the contrary, no residential facility for the care and treatment of persons with developmental disabilities including a family care home shall knowingly allow a resident who has tested positive for COVID-19 to enter or reenter that facility as a temporary or permanent resident unless such person provides proof of a negative test for COVID-19.

Section 2. The public health law is amended by adding a new article 30-D to read as follows:

ARTICLE 30-D

EMERGENCY OR DISASTER TREATMENT PREPAREDNESS ACT

Section 3090. Definitions.

§ 3090. Definitions. As used in this article:

1. The term "residential facility" means any residential facility for the care and treatment of persons with developmental disabilities under article sixteen of the mental hygiene law, including a family care home.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
2. The term "step-down facility" shall mean a facility specifically established to temporarily care for individuals who have been discharged from a hospital after receiving treatment for COVID-19, or any other sickness related to a pandemic, to a residential facility for persons with developmental disabilities where an individual resides until it is safe to return, for the purpose of preventing the spread of COVID-19 or any other sickness related to a pandemic. Step-down facilities may also admit individuals from a residential facility who have tested positive for COVID-19, or any other sickness related to a pandemic, or are suspected to be positive for such, who did not receive treatment or who were otherwise not admitted and subsequently discharged from a hospital.

§ 3091. Regional Step-Down Facility Plan. 1. The department, in consultation with the office for people with developmental disabilities and organizations representing residential facilities for persons with disabilities, shall develop a plan to establish regional step-down facilities to reduce the risk of transmission of COVID-19 or any other sickness related to a pandemic within such facilities, particularly after an individual who has received treatment for COVID-19 or any other sickness related to a pandemic has been discharged from a hospital and would otherwise return to a residential facility while still contagious. Such plan will account for a possible resurgence of the COVID-19 infection rate, or the emergence of any other sickness related to a pandemic.

2. The commissioner shall submit such plan to the governor, the temporary president of the senate, the speaker of the assembly, the minority leader of the senate, and the minority leader of the assembly no later than July first, two thousand twenty-one.

3. The commissioner shall review and update the regional step-down facility plan biennially, or more frequently if the commissioner determines it necessary, and shall post such updated plan publicly on the department's website and the office for people with developmental disabilities' website as expeditiously as possible.

§ 3. This act shall take effect immediately.