STATE OF NEW YORK

8572--A

2021-2022 Regular Sessions

IN ASSEMBLY

December 13, 2021

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to personal caregiving visitors for general hospital patients

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

Section 1. Subdivision 1 of section 2803 of the public health law is amended by adding a new paragraph (g-1) to read as follows:

(g-1) Consistent with paragraph (g) of this subdivision, the statement of the rights and responsibilities of patients shall provide that during a public health emergency declared under section twenty-four or section twenty-eight of the executive law patients have a right to designate a family member, lawful representative, or next friend as a personal caregiving visitor who may visit the patient in compliance with federal law and regulations and state regulations made under this paragraph. The commissioner shall promulgate regulations under this paragraph which shall:

(i) require general hospitals to allow personal caregiving visitors to visit patients subject to this paragraph;

(ii) set forth procedures for the designation of personal caregiving visitors by a patient or such patient's lawful representative, which: (A) shall include documentation of each designated personal caregiving visitor in the facility records; (B) shall include procedures to ensure that the preferences of the patient regarding the designation of a personal caregiving visitor are respected; and (C) may include, in appropriate circumstances, requiring a health or mental health professional licensed or certified under the education law to state that the personal caregiving will substantially benefit the patient's mental,

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

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physical, or social well-being. A general hospital shall not require that the health professional be affiliated with such general hospital;

(iii) set forth procedures for changing a personal caregiving visitor designation;

(iv) provide that a patient shall be entitled to designate at least two personal caregiving visitors;

(v) provide that personal caregiving visitors shall be exempt from prohibitions on visiting patients at general hospitals, subject to the limitations and requirements of this section;

(vi) set forth the circumstances under which visiting by personal caregiving visitors may be temporarily limited or suspended at a general hospital to protect the health, safety and welfare of patients, including, but not limited to, local infection rates, temporary inadequate staff capacity, or an acute emergency situation;

(vii) require, at a minimum, that all personal caregiving visitors follow safety protocols which may include, but need not be limited to:

(A) testing for communicable diseases;

(B) checking body temperature upon entry into the general hospital;

(C) health screenings upon entry into the general hospital;

(D) appropriate use of personal protective equipment;

(E) social distancing, except as necessary for personal caregiving by the personal caregiving visitor for the patient; and

(F) any other requirement the department deems appropriate;

(viii) set forth standards for frequency and duration of visits by personal caregiving visitors at general hospitals; and

(ix) set forth standards for limiting the total number of personal caregiving visitors for a patient and/or limiting the total number of personal caregiving visitors allowed to visit a general hospital at any one time based on the circumstances of the patients and the general hospital.

§ 2. This act shall take effect on the forty-fifth 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 date.