

# STATE OF NEW YORK

8729

## IN ASSEMBLY

January 11, 2022

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law and the public health law, in relation to veteran access to certain benefits

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

1 Section 1. Section 368-a of the executive law, as added by a chapter  
2 of the laws of 2021 amending the executive law and the public health law  
3 relating to certain questions regarding veterans on intake forms for  
4 admission and residency, as proposed in legislative bills numbers S.  
5 2977-A and A. 6100-A, is amended to read as follows:

6 § 368-a. Intake forms for admission and residency. 1. The division, in  
7 cooperation with the office of temporary and disability assistance~~[, the~~  
8 ~~office of mental health]~~ and any other state department, office, divi-  
9 sion or agency the division deems necessary, shall require that all  
10 intake forms for admission or residency to any ~~[homeless]~~ temporary  
11 shelter that is reimbursed from state or state-administered grants or  
12 funds shall ask an applicant ~~[on their intake forms]~~: "Have you or  
13 anyone in your household ever ~~[served]~~ been in the United States mili-  
14 tary?". ~~[Such homeless shelter]~~ Each social services district or social  
15 services district's designee shall in writing advise all individuals  
16 applying for temporary housing assistance and identifying themselves as  
17 having ~~[served]~~ been in the United States military that the division of  
18 veterans' services and local veterans' service agencies established  
19 pursuant to section three hundred fifty-seven of this article provide  
20 assistance to veterans regarding benefits available under federal and  
21 state law. Such written information shall include the name, address and  
22 telephone number of the New York state division of veterans' services,  
23 the nearest division of veterans' services office, the nearest county or  
24 city veterans' service agency and the nearest accredited veterans'  
25 service officer. ~~[Every homeless shelter]~~ Each social services district  
26 or social services district's designee, with the permission of such  
27 individual's identifying himself as a veteran, shall transmit such  
28 veteran's status information to the division of veterans' services.

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

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1 2. The division, in cooperation with the office of temporary and disa-  
2 bility assistance and any other state department, office, division or  
3 agency the division deems necessary, shall encourage all other temporary  
4 shelter providers to share information to increase veteran access to  
5 benefits by:

6 (a) providing information on the division website including:

7 (i) potential questions for inclusion on intake forms including, but  
8 not limited to: "Have you or anyone in your household ever been in the  
9 United States military?";

10 (ii) advising such providers that all individuals identifying them-  
11 selves as having been in the United States military that the division  
12 and local veterans' service agencies provide assistance to veterans  
13 regarding benefits available under federal and state law; and

14 (iii) the address and telephone number of the division, county and  
15 city veterans' service agencies and accredited veterans' service offi-  
16 cers; and

17 (b) facilitating the transmission of such veteran's status informa-  
18 tion, with the permission of individuals identifying themselves as a  
19 veteran, to the division.

20 § 2. Section 2805-o of the public health law, as amended by a chapter  
21 of the laws of 2021 amending the executive law and the public health law  
22 relating to certain questions regarding veterans on intake forms for  
23 admission and residency, as proposed in legislative bills numbers S.  
24 2977-A and A. 6100-A, is amended to read as follows:

25 § 2805-o. Identification of veterans and their spouses by nursing  
26 homes, residential health care facilities, and ~~[assisted living resi-~~  
27 ~~dences]~~ adult care facilities. 1. Every nursing home and residential  
28 health care facility as defined in subdivisions two and three of section  
29 two thousand eight hundred one of this article and ~~[assisted living~~  
30 ~~residences as defined in section forty-six hundred fifty-one of this~~  
31 ~~chapter]~~ every adult care facility licensed and certified by the depart-  
32 ment pursuant to title two of article seven of the social services law  
33 or article forty-six-B of this chapter, including all adult homes,  
34 enriched housing programs, residences for adults, assisted living  
35 programs, and assisted living residences shall keep and maintain accu-  
36 rate records identifying veterans and their spouses residing within such  
37 facilities. Such information shall be solicited by nursing home and/or  
38 residential health care facility staff upon a patient's admission, noted  
39 on the admission form, and included with the patient's file by asking  
40 the question "Have you or your spouse ever served in the United States  
41 military?". In the case of patients currently residing at such nursing  
42 homes or residential health care facilities, staff shall solicit such  
43 information by asking the question "Have you or your spouse ever served  
44 in the United States military?" from each patient residing at such  
45 institution and update the patient's file to indicate veteran status.

46 2. Every nursing home, residential health care facility and ~~[assisted~~  
47 ~~living residences]~~ every adult care facility licensed and certified by  
48 the department pursuant to title two of article seven of the social  
49 services law or article forty-six-B of this chapter, including all adult  
50 homes, enriched housing programs, residences for adults, assisted living  
51 programs, and assisted living residences shall in writing advise all  
52 individuals identifying themselves as veterans or spouses of veterans  
53 that the division of veterans' services and local veterans' service  
54 agencies established pursuant to section three hundred fifty-seven of  
55 the executive law to provide assistance to veterans and their spouses  
56 regarding benefits under federal and state law. Such written information

1 shall include the name, address and telephone number of the New York  
2 state division of veterans' services, the nearest division of veterans'  
3 services office, the nearest county or city veterans' service agency and  
4 the nearest accredited veterans' service officer.

5 3. Every nursing home, residential health care facility and [~~assisted~~  
6 ~~living residence~~] every adult care facility licensed and certified by  
7 the department pursuant to title two of article seven of the social  
8 services law or article forty-six-B of this chapter, including all adult  
9 homes, enriched housing programs, residences for adults, assisted living  
10 programs, and assisted living residences, with the permission of indi-  
11 viduals identifying themselves as veterans or spouses of veterans, shall  
12 transmit such veteran status information to the division of veterans'  
13 services.

14 4. Any person who violates the provisions of this section shall be  
15 subject to a civil fine not to exceed fifty dollars per violation but in  
16 no event shall any fine exceed one thousand dollars.

17 § 3. This act shall take effect on the same date and in the same  
18 manner as a chapter of the laws of 2021 amending the executive law and  
19 the public health law relating to certain questions regarding veterans  
20 on intake forms for admission and residency, as proposed in legislative  
21 bills numbers S. 2977-A and A. 6100-A, takes effect.