STATE OF NEW YORK

9100

IN ASSEMBLY

January 31, 2022

Introduced by M. of A. KIM -- read once and referred to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to establishing a statute of limitations to bring an action to recover damages for personal injury or death of a resident at a nursing home during the COVID-19 state of emergency; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. The civil practice law and rules is amended by adding a new section 217-b to read as follows:

§ 217-b. Action to recover damages for personal injury or death of a resident at a nursing home during the COVID-19 state of emergency. 1. The following words and phrases when used in this section shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

(a) "Nursing home" shall have the same meaning as defined in section twenty-eight hundred one of the public health law and shall include adult homes, enriched housing programs, assisted living residences and residential health care facilities as defined in such section.

(b) "Resident" means a decedent who was a resident of a nursing home located in the state and COVID-19 caused or contributed to such resident's death, as documented on such resident's death certificate, or as certified by a physician, nurse practitioner, or physician's assistant currently in good standing in any state or the District of Columbia, or a physician, nurse practitioner, or physician's assistant authorized to practice in New York by executive order during the declared COVID-19 state of emergency who determines with a reasonable degree of medical certainty that COVID-19 caused or contributed to the resident's death. Resident shall include any temporary resident of a nursing home who is receiving subacute rehabilitation care or temporary rehabilitation care.

(c) "The novel coronavirus pandemic (COVID-19)" shall refer to the period of the state of emergency declared by executive order two hundred

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

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two on March seventh, two thousand twenty in response to the outbreak of the novel coronavirus.

2. Notwithstanding any provision of law to the contrary, all civil claims or causes of action brought by any person for damages against a nursing home for personal injuries or the death of a resident during COVID-19, including an action pursuant to section twenty-eight hundred one-d of the public health law, may be commenced within two years after the effective date of this section.

§ 2. This act shall take effect immediately and shall expire and be deemed repealed January 1, 2035.