

# STATE OF NEW YORK

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1035

2021-2022 Regular Sessions

## IN SENATE

January 6, 2021

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Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the public health law, in relation to prohibiting hospitals from disallowing individuals with disabilities from having an essential support person accompany them for the duration of their hospitalization

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

1       Section 1. The public health law is amended by adding a new section  
2 2828 to read as follows:

3       **S 2828. Essential support persons allowed for individuals with disabilities during a state of emergency.** 1. For purposes of this section,  
4 the following terms shall have the following meanings:

5       (a) "Disability" shall mean any condition or disorder which prevents  
6 or makes difficult for an individual the ability to communicate a  
7 medical condition or certain specific medical or everyday needs, includ-  
8 ing, but not limited to, autism or cerebral palsy.

9       (b) "Essential support person" shall mean an individual who frequently  
10 accompanies and assists an individual with a disability with managing  
11 and communicating basic or medical needs and is considered a critical  
12 member of such individual's health care team.

13       2. (a) No hospital shall establish any rules or regulations in  
14 response to a pandemic or state disaster emergency declared by the  
15 governor, prohibiting a patient who suffers from a disability from  
16 having access to an essential support person for the duration of their  
17 hospitalization from intake to discharge.

18       (b) An individual with a disability shall be allowed to designate a  
19 single primary essential support person to assist with medical and  
20 everyday needs during hospitalization and such essential support person  
21 shall be limited to such individual's parent, spouse or caretaker.

22       § 2. This act shall take effect immediately.

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

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