STATE OF NEW YORK

1035--A

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sens. ADDABBO, BORRELLO, BROUK, GALLIVAN, GIANARIS, GOUNARDES, JACKSON, LIU, MARTUCCI, PALUMBO, PERSAUD, RAMOS, REICHLIN-MELNICK, RIVERA, SANDERS, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibiting general 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:

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

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

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

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

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

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

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

§ 2. This act shall take effect immediately.