STATE OF NEW YORK

2977--A

Cal. No. 682

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the executive law and the public health law, in relation to certain questions regarding veterans on intake forms for admission and residency

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

Section 1. The executive law is amended by adding a new section 368-a to read as follows:

§ 368-a. Intake forms for admission and residency. 1. The division, in cooperation with the office of temporary and disability assistance, the office of mental health and any other state department, office, division or agency the division deems necessary, shall require that all intake forms for admission or residency to any homeless shelter shall ask an applicant on their intake forms: "Have you ever served in the military?". Such homeless shelter shall in writing advise all individuals identifying themselves as having served in the United States military that the division of veterans' services and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits available under federal and state law. Such written information shall include the name, address and telephone number of the New York state division of veterans' services, the nearest division of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer. Every homeless shelter, with the permission of such individual's identifying themself as a veteran, shall

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

LBD01922-03-1

transmit such veteran's status information to the division of veterans' services.

§ 2. Section 2805-o of the public health law, as added by chapter 158 of the laws of 1993, the section heading as amended by chapter 95 of the laws of 2004, and subdivisions 2 and 3 as amended by section 22 of part AA of chapter 56 of the laws of 2019, is amended to read as follows:

§ 2805-o. Identification of veterans and their spouses by nursing homes [~~and~~], residential health care facilities **and assisted living residences**. 1. Every nursing home and residential health care facility as defined in subdivisions two and three of section two thousand eight hundred one of this article **and assisted living residences as defined in section forty-six hundred fifty-one of this chapter** shall keep and maintain accurate records identifying veterans and their spouses residing within such facilities. Such information shall be solicited by nursing home and/or residential health care facility staff upon a patient's admission, noted on the admission form, and included with the patient's file **by asking the question "Have you ever served in the United States military?"**. In the case of patients currently residing at such nursing homes or residential health care facilities, staff shall solicit such information **by asking the question "Have you ever served in the United States military?"** from each patient residing at such institution and update the patient's file to indicate veteran status.

2. Every nursing home [~~and~~], residential health care facility **and assisted living residences** shall in writing advise all individuals identifying themselves as veterans or spouses of veterans that the division of veterans' services and local veterans' service agencies established pursuant to section three hundred fifty-seven of the executive law to provide assistance to veterans and their spouses regarding benefits under federal and state law. Such written information shall include the name, address and telephone number of the New York state division of veterans' services, the nearest division of veterans' services office, the nearest county or city veterans' service agency and the nearest accredited veterans' service officer.

3. Every nursing home [~~and~~], residential health care facility **and assisted living residence**, [~~upon request~~] **with the permission** of individuals identifying themselves as veterans or spouses of veterans, shall transmit such veteran status information to the division of veterans' services.

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

§ 3. This act shall take effect on the one hundred twentieth 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.