

# STATE OF NEW YORK

3839

2021-2022 Regular Sessions

## IN ASSEMBLY

January 28, 2021

Introduced by M. of A. BYRNE, ASHBY, DiPIETRO, J. M. GIGLIO, GOODELL, HAWLEY, M. MILLER, NORRIS, PALMESANO, SALKA, WALSH -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the emergency or disaster treatment preparedness act

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 article  
2 30-E to read as follows:

3 ARTICLE 30-E

4 EMERGENCY OR DISASTER TREATMENT PREPAREDNESS ACT

5 Section 3090. Declaration of purpose.

6 3091. Definitions.

7 3092. Regional Step-Down Facility Plan.

8 § 3090. Declaration of purpose. Given the devastating toll COVID-19  
9 has taken on New York state, especially in nursing homes, assisted  
10 living facilities, and adult care facilities, and concerns about a  
11 second wave of the virus, or of future pandemics, it is essential that  
12 the state is better prepared to handle a future crisis. It is the  
13 purpose of this article to ensure precautions are taken to prevent the  
14 repeated mistake of returning COVID-19 positive patients to nursing  
15 homes, assisted living facilities and adult care facilities where the  
16 population is comprised of high-risk individuals.

17 § 3091. Definitions. As used in this article:

18 1. The term "hospital" shall have the same meaning as such term is  
19 defined in subdivision one of section twenty-eight hundred one of this  
20 chapter and shall include any temporary health care facility established  
21 by the state or federal government in response to the COVID-19 pandemic  
22 or any other pandemic related response.

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

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1 2. The term "nursing home" shall have the same meaning as such term is  
2 defined in subdivision two of section twenty-eight hundred one of this  
3 chapter.

4 3. The term "adult care facility" shall have the same meaning as such  
5 term is defined in subdivision twenty-one of section two of the social  
6 services law.

7 4. The term "assisted living residence" shall have the same meaning as  
8 such term is defined in subdivision one of section forty-six hundred  
9 fifty-one of article forty-six-B of this chapter.

10 5. The term "step-down facility" shall mean a facility specifically  
11 established to temporarily care for individuals who have been discharged  
12 from a hospital after receiving treatment for COVID-19, or any other  
13 sickness related to a pandemic, to a nursing home, adult care facility  
14 or assisted living residence where such individual resides until it is  
15 safe for them to return, for the purpose of preventing the spread of  
16 COVID-19 or any other sickness related to a pandemic. Step-down facili-  
17 ties may also admit individuals from a nursing home, adult care facility  
18 or assisted living residence who have tested positive for COVID-19, or  
19 any other sickness related to a pandemic, or are suspected to be posi-  
20 tive for such, who did not receive treatment or who were otherwise not  
21 admitted and subsequently discharged from a hospital.

22 § 3092. Regional Step-Down Facility Plan. 1. The department, in  
23 consultation with organizations representing hospitals, nursing homes,  
24 adult care facilities and assisted living residences, shall develop a  
25 plan to establish regional step-down facilities to reduce the risk of  
26 transmission of COVID-19 or any other sickness related to a pandemic  
27 within nursing homes, adult care facilities or assisted living resi-  
28 dences, particularly after an individual who has received treatment for  
29 COVID-19 or any other sickness related to a pandemic has been discharged  
30 from a hospital and would otherwise return to a nursing home, adult care  
31 facility or assisted living residence while still contagious. Such plan  
32 will account for a possible resurgence of the COVID-19 infection rate,  
33 or the emergence of any other sickness related to a pandemic.

34 2. The commissioner shall submit such plan to the governor, the tempo-  
35 rary president of the senate, the speaker of the assembly, the minority  
36 leader of the senate, and the minority leader of the assembly, and shall  
37 post such plan publicly on the department's website no later than Octo-  
38 ber fifteenth, two thousand twenty-one.

39 3. The commissioner shall review and update the regional step-down  
40 facility plan biennially, or more frequently if the commissioner deter-  
41 mines it necessary, and shall post such updated plan publicly on the  
42 department's website no later than October fifteenth of such year.

43 § 2. This act shall take effect immediately.