# STATE OF NEW YORK

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4685

2021-2022 Regular Sessions

# IN ASSEMBLY

February 4, 2021
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Introduced by M. of A. PHEFFER AMATO -- read once and referred to the
   Committee on People with Disabilities

AN ACT to amend the public health law, in relation to prohibiting hospi-
   tals 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 Assem-
   bly, 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    **§ 2828. Essential support persons allowed for individuals with disa-**
4   **bilities during a state of emergency.  1. For purposes of this section,**
5   **the following terms shall have the following meanings:**
6    **(a) "Disability" shall mean any condition or disorder which prevents**
7   **or makes difficult for an individual the ability to communicate a**
8   **medical condition or certain specific medical or everyday needs, includ-**
9   **ing, but not limited to, autism or cerebral palsy.**
10   **(b) "Essential support person" shall mean an individual who frequently**
11  **accompanies and assists an individual with a disability with managing**
12  **and communicating basic or medical needs and is considered a critical**
13  **member of such individual's health care team.**
14   **2. (a) No hospital shall establish any rules or regulations in**
15  **response to a pandemic or state disaster emergency declared by the**
16  **governor, prohibiting a patient who suffers from a disability from**
17  **having access to an essential support person for the duration of their**
18  **hospitalization from intake to discharge.**
19   **(b) An individual with a disability shall be allowed to designate a**
20  **single primary essential support person to assist with medical and**
21  **everyday needs during hospitalization and such essential support person**
22  **shall be limited to such individual's parent, spouse or caretaker.**
23   § 2. This act shall take effect immediately.

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