STATE OF NEW YORK

8761

IN ASSEMBLY

January 11, 2022

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to evaluations for home health services

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

Section 1. Paragraph (d) and subparagraph (i) of paragraph (e) of subdivision 2 of section 365-a of the social services law, paragraph (d) as amended by chapter 59 of the laws of 1993 and subparagraph (i) of paragraph (e) as amended by section 2 of part MM of chapter 56 of the laws of 2020, are amended to read as follows:

(d) **(i)** home health services provided in a recipient's home and prescribed by a physician including services of a nurse provided on a part-time or intermittent basis rendered by an approved home health agency or if no such agency is available, by a registered nurse, licensed to practice in this state, acting under the written orders of a physician and home health aide service by an individual or shared aide provided by an approved home health agency when such services are determined to be cost effective and appropriate to meet the recipient's needs for assistance subject to the provisions of [~~section three hundred sixty-seven-j and~~] section three hundred sixty-seven-o of this title**.**

(ii) a copy of every assessment or evaluation conducted to determine a recipient's need for assistance shall be promptly provided in full to the recipient or the recipient's designee upon completion of the assessment or evaluation;

(i) **(A)** personal care services, including personal emergency response services, shared aide and an individual aide, subject to the provisions of subparagraphs (ii), (iii), (iv), (v) and (vi) of this paragraph, furnished to an individual who is not an inpatient or resident of a hospital, nursing facility, intermediate care facility for individuals with intellectual disabilities, or institution for mental disease, as determined to meet the recipient's needs for assistance when cost effective and appropriate, and when prescribed by a qualified independent physician selected or approved by the department of health, in accord-

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

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ance with the recipient's plan of treatment and provided by individuals who are qualified to provide such services, who are supervised by a registered nurse and who are not members of the recipient's family, and furnished in the recipient's home or other location.

(B) a copy of every assessment or evaluation conducted to determine a recipient's need for assistance shall be promptly provided in full to the recipient or the recipient's designee upon completion of the assessment or evaluation;

§ 2. This act shall take effect immediately.