

# STATE OF NEW YORK

3061--A

Cal. No. 356

2021-2022 Regular Sessions

## IN SENATE

January 27, 2021

Introduced by Sens. RIVERA, BIAGGI, JACKSON, MAY, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the public health law, in relation to reporting COVID-19, communicable diseases and deaths caused by such communicable diseases

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

1 Section 1. Subdivision 1 of section 206 of the public health law is  
2 amended by adding two new paragraphs (e-1) and (e-2) to read as follows:

3 (e-1) ensure that the department updates its regular reporting of  
4 "Nursing Home and Adult Care Facility COVID Related Deaths Statewide" to  
5 include those COVID-19 confirmed and presumed positive cases of resi-  
6 dents who were transferred from a nursing home or adult care facility to  
7 a hospital and died in the hospital retrospective to March first, two  
8 thousand twenty. Such update shall occur and be publicly posted within  
9 thirty days of the effective date of this subdivision;

10 (e-2) share aggregate reports of information collected under the  
11 department's emergency survey system known as the Health Emergency  
12 Response Data System (HERDS), or its successor, with the entities  
13 completing and submitting the HERDS surveys, in order to support such  
14 entities' situational awareness and emergency response needs as dictated  
15 by the nature of the emergency; such reports shall be shared with  
16 surveyed entities as soon as practicable after the HERDS collection, and  
17 shall be in a form and interval appropriate to the collection frequency  
18 and circumstances of the emergency; for surveys of duration less than  
19 one week, reports shall be shared as soon as practicable, but not later  
20 than one week after final collection; for surveys of duration more than  
21 one week, such reports shall be shared no less frequently than weekly

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

LBD07694-02-1

1 during the survey period. Information from such reports may be made  
2 public by the department and shall be used to ensure the department's  
3 public reports required pursuant to sections twenty-one hundred one-a  
4 and forty-one hundred forty of this chapter are accurate and timely;

5 § 2. The public health law is amended by adding a new section 2101-a  
6 to read as follows:

7 § 2101-a. Communicable diseases; duty to report; transfer of individ-  
8 uals. 1. When a communicable disease is reported by a person in charge  
9 of a state institution, pursuant to section two thousand one hundred  
10 five of this title, or a facility licensed under article twenty-eight of  
11 this chapter, pursuant to the provisions of section two thousand one  
12 hundred one of this title, the report shall include whether the individ-  
13 ual was transferred from another institution or facility, including an  
14 adult care facility, and identify the facility. The report shall also  
15 include whether the individual works in a health care facility and iden-  
16 tify the facility.

17 2. During a declared public health emergency, information collected by  
18 the state and local health districts on cases of a communicable disease  
19 associated with a declared public health emergency shall be maintained  
20 and updated on the department's website no less frequently than once per  
21 week to identify the number of cases of residents and staff at partic-  
22 ular nursing homes and adult care facilities, together with information  
23 on deaths of residents as required by section forty-one hundred forty of  
24 this chapter.

25 § 3. Section 4140 of the public health law is amended by adding a new  
26 subdivision 4 to read as follows:

27 4. Where the death is confirmed or presumed to have occurred from  
28 COVID-19, and the individual resided in a nursing home or adult care  
29 facility at or immediately prior to such death, the commissioner and the  
30 department of health of the city of New York and registrar of the  
31 district in which the death occurred shall, in addition to maintaining  
32 deaths by district, record such death as that of a nursing home or adult  
33 care facility resident even if the individual did not die in such facil-  
34 ity. During a declared public health emergency, such information shall  
35 be maintained and updated on the department's website no less frequently  
36 than once per week, together with information on cases of the communica-  
37 ble disease associated with the public health emergency of residents and  
38 staff as required by section twenty-one hundred one-a of this chapter.

39 § 4. This act shall take effect immediately.