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:

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

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

(e-2) share aggregate reports of information collected under the department's emergency survey system known as the Health Emergency Response Data System (HERDS), or its successor, with the entities completing and submitting the HERDS surveys, in order to support such entities' situational awareness and emergency response needs as dictated by the nature of the emergency; such reports shall be shared with surveyed entities as soon as practicable after the HERDS collection, and shall be in a form and interval appropriate to the collection frequency and circumstances of the emergency; for surveys of duration less than one week, reports shall be shared as soon as practicable, but not later than one week after final collection; for surveys of duration more than 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.

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

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

§ 2101-a. Communicable diseases; duty to report; transfer of individuals. 1. When a communicable disease is reported by a person in charge of a state institution, pursuant to section two thousand one hundred five of this title, or a facility licensed under article twenty-eight of this chapter, pursuant to the provisions of section two thousand one hundred one of this title, the report shall include whether the individual was transferred from another institution or facility, including an adult care facility, and identify the facility. The report shall also include whether the individual works in a health care facility and identify the facility.

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

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

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

§ 4. This act shall take effect immediately.