STATE OF NEW YORK

6204

2021-2022 Regular Sessions

IN SENATE

April 15, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to requiring residential health care facilities to document the reason for an individual requesting a voluntary transfer or discharge; and to amend a chapter of the laws of 2021 relating to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities, in relation to the effectiveness thereof

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

Section 1. Subdivision 3 of section 2803-z of the public health law, as added by a chapter of the laws of 2021, amending the public health law relating to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities, as proposed in legislative bills numbers S. 3058 and A. 3919, is amended and a new subdivision 4 is added to read as follows:

3. A residential health care facility shall not compel or attempt to compel an individual to voluntarily transfer or discharge from the facility. **In the event a resident seeks a voluntary transfer or discharge, the facility shall document, as part of the resident's medical records, the reason the resident is seeking a transfer or discharge. If the resident declines to provide a reason, the facility shall document that in the resident's medical record.**

4. Nothing in this section shall diminish a resident's rights to independent personal decisions and knowledge of available choices, nor shall it diminish the facility's responsibility to encourage and assist in the fullest possible exercise of those rights under section two thousand eight hundred three-c of this article, or other applicable law.

§ 2. Section 3 of a chapter of the laws of 2021 relating to establishing requirements for the transfer, discharge and voluntary discharge

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

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from residential health care facilities, as proposed in legislative bills numbers S. 3058 and A. 3919, is amended to read as follows:

§ 3. This act shall take effect [~~immediately~~] on the ninetieth day after it shall have become a law.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021, amending the public health law relating to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities, as proposed in legislative bills numbers S. 3058 and A. 3919, takes effect.