# STATE OF NEW YORK

6341

2021-2022 Regular Sessions

# IN SENATE

April 22, 2021

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

AN ACT requiring hospitals which reserved beds for patients with behavioral or mental health issues or substance use disorder prior to the COVID-19 pandemic to continue to provide such beds to such patients after the expiration of the state disaster emergency declared pursuant to executive order number 202

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

Section 1. In order to ensure that the state has adequate bed capacity for patients with behavioral or mental health issues or substance use disorder, all hospital beds which were reserved for patients being admitted or observed for behavioral or mental health issues or need medically supervised detoxification services prior to the COVID-19 pandemic and which were subsequently allocated for other purposes as a result of Executive Order No. 202 of 2020 or any amendment or modification of such executive order shall return to being reserved for patients being admitted or observed for behavioral or mental health or substance use disorder issues upon the expiration of the state disaster emergency declared pursuant to such executive order and any further amendments or modifications thereto, and as may be further extended pursuant to section 28 of the executive law. Any hospital which fails to comply with the requirements of this section upon the expiration of the state disaster emergency declared by Executive Order No. 202 and any further amendments or modifications thereto, and as may be further extended pursuant to section 28 of the executive law, shall be fined up to $500,000 as determined by the commissioner of the department of health or denied the issuance of a certificate of need.

§ 2. This act shall take effect on the thirtieth day after the expiration of the declared state of emergency relating to the novel coronavirus (COVID-19); provided, that the commissioner of health shall notify

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

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the legislative bill drafting commission upon the occurrence of the expiration of the state disaster emergency declared by executive order number 202 and any further amendments or modifications, and as may be further extended pursuant to section 28 of the executive law, in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.