

STATE OF NEW YORK

474--C

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

Introduced by M. of A. CRUZ, DINOWITZ, SEAWRIGHT -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring hospitals to develop a violence prevention program

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

1 Section 1. The public health law is amended by adding a new section
2 2831 to read as follows:

3 § 2831. Violence prevention program. 1. Every general hospital shall
4 establish a violence prevention program consistent with the Centers for
5 Medicare and Medicaid Services conditions of participation regarding
6 emergency events (42 C.F.R § 482.15(d)(1) and 24 C.F.R 482.15(a)) and
7 the workplace violence standards of any accrediting organization by the
8 Centers for Medicare and Medicaid Services under which such hospital
9 maintains accreditation provided however, such standards are comparable
10 to those established by The Joint Commission on Health Care Organiza-
11 tions.

12 2. General hospitals located in a city or county with a population of
13 one million or more shall be required to have at least one off-duty law
14 enforcement officer or trained security personnel be present at all
15 times in the emergency department, except in emergent circumstances that
16 require a large security presence elsewhere in the facility.

17 3. General hospitals located in a city or county with a population
18 less than one million shall be required to have at least one off-duty

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

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1 law enforcement officer or trained security personnel on premises at all
2 times in a manner that prioritizes physical presence near, or within
3 close proximity to, the emergency department of such hospital with
4 direct responsibility to the emergency department. The provisions of
5 this subdivision shall not apply to general hospitals designated as
6 critical access hospitals, sole community hospitals or rural emergency
7 hospitals, provided however, if any such hospital experiences increased
8 rates of violence or abuse of emergency department personnel evidenced
9 by internal reporting pursuant to the violence prevention program or
10 reports to law enforcement, the commissioner shall work with such crit-
11 ical access hospital, sole community hospital or rural emergency hospi-
12 tal to come into compliance with the provisions of this subdivision over
13 a reasonable period of time.

14 § 2. This act shall take effect on the two hundred eightieth day after
15 it shall have become a law.