STATE OF NEW YORK

5370

2023-2024 Regular Sessions

IN ASSEMBLY

March 9, 2023

Introduced by M. of A. PAULIN, THIELE, SEAWRIGHT, LUPARDO, DINOWITZ, JACKSON, MEEKS, HEVESI, BRONSON, MAGNARELLI, BRABENEC, McDONOUGH, LUNSFORD, KELLES, ZEBROWSKI, STECK, ANDERSON, SIMON, GLICK, VANEL, L. ROSENTHAL, WILLIAMS, BICHOTTE HERMELYN, WALKER, OTIS, SAYEGH, STIRPE, WOERNER, STERN, SILLITTI, JACOBSON, COOK, CARROLL, GALLAGHER, COLTON, FALL, AUBRY, FORREST, CRUZ, CLARK, SANTABARBARA, HUNTER, FAHY, JONES, ZINERMAN, BUTTENSCHON -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to creating the health emergency response data system

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

Section 1. The public health law is amended by adding a new section 206-c to read as follows:

§ 206-c. Health emergency response data system. 1. a. The health emergency response data system, referred to in this section as "HERDS", is hereby created in the department. The HERDS shall collect information and statistical data, referred to in this section as "HERDS information", relating to public health emergencies and health care services related to public health emergencies, in order to assist the department, other government entities, health care providers, and the public in understanding and responding to public health emergencies.

b. Individually identifiable HERDS information shall be kept confidential. HERDS information disclosed under this section shall be aggregated so it cannot be individually identifiable, but it shall contain sufficient detail, so it refers to specific geographic areas and hospitals, as defined in article twenty-eight of this chapter.

c. The commissioner shall make regulations implementing this section.

2. a. The HERDS shall collect HERDS information, including from surveys submitted by hospitals, nursing homes, and other health care providers, as determined by the commissioner.

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

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b. The HERDS shall be operated by the department, including the collecting and making available information, in conjunction with and to improve the department's fulfillment of its responsibilities under articles twenty-one and forty-one of this chapter.

§ 2. Paragraph b of subdivision 2 of section 206-c of the public health law, as added by section one of this act, is amended to read as follows:

b. **HERDS shall make HERDS information available to government entities, health care providers, and the public, including posting on the department's website, as soon and as close to real time as practicable after it is collected but no later than seven days after it is received by the department.**

c. The HERDS shall be operated by the department, including the collecting and making available information, in conjunction with and to improve the department's fulfillment of its responsibilities under articles twenty-one and forty-one of this chapter.

§ 3. This act shall take effect immediately; provided, however, section two of this act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the commissioner of health shall make regulations and take other actions reasonably necessary to implement each section of this act on its effective date.