

# STATE OF NEW YORK

5449

2023-2024 Regular Sessions

## IN ASSEMBLY

March 10, 2023

Introduced by M. of A. GUNTHER, SAYEGH -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to personal caregiving visitors for general hospital patients

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

1 Section 1. Subdivision 1 of section 2803 of the public health law is  
2 amended by adding a new paragraph (g-1) to read as follows:

3 (g-1) Consistent with paragraph (g) of this subdivision, the statement  
4 of the rights and responsibilities of patients shall provide that during  
5 a public health emergency declared under section twenty-four or section  
6 twenty-eight of the executive law patients have a right to designate a  
7 family member, lawful representative, or next friend as a personal care-  
8 giving visitor who may visit the patient in compliance with federal law  
9 and regulations and state regulations made under this paragraph. The  
10 commissioner shall promulgate regulations under this paragraph which  
11 shall:

12 (i) require general hospitals to allow personal caregiving visitors to  
13 visit patients subject to this paragraph;

14 (ii) set forth procedures for the designation of personal caregiving  
15 visitors by a patient or such patient's lawful representative, which:  
16 (A) shall include documentation of each designated personal caregiving  
17 visitor in the facility records; (B) shall include procedures to ensure  
18 that the preferences of the patient regarding the designation of a  
19 personal caregiving visitor are respected; and (C) may include, in  
20 appropriate circumstances, requiring a health or mental health profes-  
21 sional licensed or certified under the education law to state that the  
22 personal caregiving will substantially benefit the patient's mental,  
23 physical, or social well-being. A general hospital shall not require  
24 that the health professional be affiliated with such general hospital;

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

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1 (iii) set forth procedures for changing a personal caregiving visitor  
2 designation;

3 (iv) provide that a patient shall be entitled to designate at least  
4 two personal caregiving visitors;

5 (v) provide that personal caregiving visitors shall be exempt from  
6 prohibitions on visiting patients at general hospitals, subject to the  
7 limitations and requirements of this section;

8 (vi) set forth the circumstances under which visiting by personal  
9 caregiving visitors may be temporarily limited or suspended at a general  
10 hospital to protect the health, safety and welfare of patients, includ-  
11 ing, but not limited to, local infection rates, temporary inadequate  
12 staff capacity, or an acute emergency situation;

13 (vii) require, at a minimum, that all personal caregiving visitors  
14 follow safety protocols which may include, but need not be limited to:

15 (A) testing for communicable diseases;

16 (B) checking body temperature upon entry into the general hospital;

17 (C) health screenings upon entry into the general hospital;

18 (D) appropriate use of personal protective equipment;

19 (E) social distancing, except as necessary for personal caregiving by  
20 the personal caregiving visitor for the patient; and

21 (F) any other requirement the department deems appropriate;

22 (viii) set forth standards for frequency and duration of visits by  
23 personal caregiving visitors at general hospitals; and

24 (ix) set forth standards for limiting the total number of personal  
25 caregiving visitors for a patient and/or limiting the total number of  
26 personal caregiving visitors allowed to visit a general hospital at any  
27 one time based on the circumstances of the patients and the general  
28 hospital.

29 § 2. This act shall take effect on the forty-fifth day after it shall  
30 have become a law. Effective immediately, the addition, amendment and/or  
31 repeal of any rule or regulation necessary for the implementation of  
32 this act on its effective date are authorized to be made and completed  
33 on or before such date.