STATE OF NEW YORK

7085--A

Cal. No. 198

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. PAULIN, GIBBS, ZINERMAN, SEPTIMO -- read once and referred to the Committee on Health -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to requiring nursing homes to designate dedicated storage spaces for the storage of the bodies of deceased persons

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 2810-a to read as follows:

§ 2810-a. Nursing home special provisions. 1. (a) Upon the declaration by the governor of a disaster emergency pursuant to section twenty-eight of the executive law that a disaster has occurred or may be imminent, and that such disaster may result in excess mortality that could overwhelm the capacity of a facility to meet the demand for its services, each nursing home shall develop and submit to the department a plan designating a location for temporary on-site storage of bodies of deceased persons who die at such nursing home until those bodies can be safely transferred to appropriate parties for purposes of autopsy or disposition. For the purposes of this section, "excess mortality" means a sudden and sharp increase in the number of deaths beyond what is expected based on recent mortality trends.

(b) Such plan shall include but not be limited to:

(i) the designation of a dedicated storage space. If a nursing home does not currently have an appropriate space meeting the requirements of paragraph (c) of this subdivision, the plan shall indicate how the nursing home will satisfy these requirements including through new construction or modification of existing spaces or utilization of mobile storage spaces pursuant to paragraph (d) of this subdivision;

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

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(ii) identification of the maximum number of bodies of deceased persons that can be safely stored within the dedicated storage space; and

(iii) a description of the means by which the nursing home will ensure that bodies of deceased persons are handled, stored, and transferred in a safe and sanitary manner, including proper identification and minimizing the period of time for which each body is kept in the dedicated storage space before transfer to other appropriate parties.

(c) A dedicated storage space designated for purposes of this subdivision shall be:

(i) located on or immediately adjacent to the grounds of the nursing home;

(ii) isolated to the greatest extent practicable from public view and patient or resident living and common areas, including preventing access by persons other than those directly involved in storage or transport of bodies of deceased persons;

(iii) sufficiently refrigerated for purposes of storing bodies of deceased persons; and

(iv) of sufficient size and suitable construction to ensure lawful, safe, and appropriate handling and storage of bodies of deceased persons.

(d) If a nursing home cannot meet the requirements specified under paragraph (c) of this subdivision through construction or modification of existing spaces, such nursing home may designate and contract with a third party to provide mobile storage spaces, provided that such mobile storage spaces meet the requirements specified under paragraph (c) of this subdivision.

(e) A storage space designated as a storage space for the bodies of deceased persons pursuant to this subdivision shall not be deemed a public morgue and shall not be required to store the bodies of deceased persons who are not patients or residents of the nursing home.

(f) In addition to any other records required by law or regulation, a nursing home shall maintain complete and accurate records relating to storage and transfer of bodies of deceased persons for a period of five years, including:

(i) death certificates or other documentation of declared date, time, and to the extent known cause of death for each body of a deceased person stored in the dedicated storage space;

(ii) documentation showing date and time of transfers from the dedicated storage space to another appropriate party including identification of individuals or entities who provided transport services;

(iii) copies of any permits or contracts relating to transfer of each body of a deceased person including any contracts between the nursing home and a provider of mobile storage spaces under paragraph (d) of this subdivision.

(g) The department is authorized to inspect, at any time and without prior notice, any dedicated storage space authorized under this subdivision.

(h) The commissioner shall make regulations under this section.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law. Effective immediately, the commissioner of health may make regulations and take other actions reasonably necessary to implement the provisions of this act on or before such effective date.