STATE OF NEW YORK

1105

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the public health law, in relation to requiring hospitals and medical facilities to notify nursing homes or assisted living facilities upon receipt of a positive COVID-19 test result for a resident of such nursing home or assisted living facility and providing penalties for violations

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 2184 to read as follows:

§ 2184. Nursing home notification upon receipt of positive test. 1. When medically indicated, upon the admission to a hospital or medical facility of a patient who is a resident of a nursing home or assisted living facility, such patient or the patient's authorized representative shall be provided with a consent form that explicitly authorizes the hospital or medical facility to inform the patient's nursing home or assisted living facility of the receipt of a positive result for a COVID-19 test prior to the patient being discharged from the hospital or medical facility.

2. A hospital or medical facility that receives a patient's positive COVID-19 test result shall inform the patient's nursing home or assisted living facility of the result prior to the patient being discharged from the hospital or medical facility.

3. A hospital or medical facility that fails to give notification as required by this section shall be subject to a civil fine of one thousand dollars for each day or part thereof that notification is not given. All fines collected pursuant to this subdivision shall be collected by the department and shall be deposited by the commissioner and credited to the disease management account established by the comptroller in the special revenue-other fund.

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

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4. The commissioner shall promulgate regulations as necessary to implement the provisions of this section. Such regulations shall include, but not be limited to:

(a) guidelines and procedures for obtaining fully informed consent from patients; and

(b) guidelines and procedures for the reporting of a patient's positive COVID-19 results to a nursing home or assisted living facility and for maintaining the confidentiality of such results.

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