STATE OF NEW YORK

2641

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

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

AN ACT to amend the public health law, in relation to authorizing patients to designate an essential visitor who may assist the patient and perform certain duties on behalf of the patient

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

Section 1. Section 2801 of the public health law is amended by adding a new subdivision 15 to read as follows:

15. "Essential visitor" shall mean a family member, attorney in fact, health care proxy or other individual designated by a patient who has been admitted to the hospital for more than two days and who provides emotional and physical support and assistance to the patient. Such assistance may include: help with eating and dressing when staff is unavailable, providing emotional support due to lack of contact with individuals outside of the hospital, and communicating patients' needs to staff when necessary.

§ 2. Subdivision 3 of section 2803-c of the public health law is amended by adding a new paragraph s to read as follows:

s. Every patient shall have the right to designate one individual as an essential visitor who shall act as an advocate for the patient. Duties of the essential visitor shall include, but not be limited to, communicating with facility staff regarding the needs of the patient, providing emotional stability and company for the patient while staff is unavailable, and requesting additional care or a change in the current care plan if necessary.

§ 3. Section 2803-c of the public health law is amended by adding a new subdivision 7 to read as follows:

7. a. Any individual designated as an essential visitor pursuant to this section shall be permitted unrestricted access and visitation to

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

LBD07175-01-3

the resident at the hospital in which such patient is residing in order to provide the necessary aid described pursuant to this section.

b. Nothing in this section shall prevent a facility from requiring precautionary measures be taken by essential visitors prior to admittance or denying entry to an essential visitor based on non-compliance with precautionary procedures. Precautionary measures may include, but are not limited to, screenings for potential diseases or viruses that may be brought into the facility and requiring essential visitors to supply their own personal protective equipment.

§ 4. This act shall take effect immediately.