

# STATE OF NEW YORK

4074

2023-2024 Regular Sessions

## IN ASSEMBLY

February 9, 2023

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

AN ACT to amend the public health law, in relation to establishing a  
long COVID-19 review board

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

1 Section 1. Legislative intent. The legislature finds, determines and  
2 declares that COVID-19 has had a devastating impact on the state of New  
3 York. Since the first recorded death of a New York resident from the  
4 virus on March fourteenth, two thousand twenty, tens of thousands of New  
5 Yorkers have lost their lives to COVID-19. The sudden emergence and  
6 rapid spread of COVID-19 around the world has led to an evolving under-  
7 standing of the transmissibility, virulence, and symptoms of the virus  
8 by scientists and public health experts that continues to this day.  
9 There is growing awareness and concern about post-COVID conditions,  
10 sometimes referred to as "long COVID," in which a small but significant  
11 percentage of patients experience persistent symptoms weeks or months  
12 after recovering from their initial infection. It is vital that the  
13 state of New York commit to monitoring and tracking the long-term health  
14 impacts of COVID-19, even as effective vaccines are widely available.  
15 Studying New Yorkers who survived COVID-19 infection holds the promise  
16 of providing public health experts with information that may lead to a  
17 better understanding of trends in long-term illness and recovery, and  
18 the needs of survivors, particularly those suffering from post-COVID  
19 conditions.

20 § 2. Section 2180 of the public health law is amended by adding a new  
21 subdivision 21 to read as follows:

22 21. "Long COVID" means symptoms that persist after the acute COVID-19  
23 infection has resolved.

24 § 3. The public health law is amended by adding a new section 2184 to  
25 read as follows:

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

LBD07618-01-3

1 § 2184. Long COVID-19 study. 1. There is hereby established in the  
2 department the long COVID-19 review board for the purpose of reviewing  
3 the research and data in the state on long COVID and developing and  
4 disseminating findings, recommendations, and best practices to contrib-  
5 ute to the prevention of long COVID.

6 2. (a) The board shall be composed of at least fifteen members, all of  
7 whom shall be appointed by the commissioner. The board shall be  
8 comprised of multidisciplinary experts in the field of virology, immu-  
9 nology, COVID-19 and public health, and shall include health care  
10 professionals or other experts who serve and are representative of the  
11 diversity of New Yorkers in medically underserved areas of the state or  
12 areas of the state with disproportionately high occurrences of COVID-19.

13 (b) Board members shall serve for terms of three years. The commis-  
14 sioner may choose to reappoint board members to additional three-year  
15 terms.

16 (c) A majority of the appointed membership of the board shall consti-  
17 tute a quorum.

18 (d) If any member of the state board fails to attend three consecutive  
19 regular meetings, unless such absence is for good cause, that membership  
20 may be deemed vacant for purposes of the appointment of a successor.

21 (e) Meetings of the state board shall be held at least twice a year  
22 but may be held more frequently as deemed necessary, subject to request  
23 of the department.

24 (f) Members of boards shall be indemnified under section seventeen of  
25 the public officers law or section fifty-k of the general municipal law,  
26 as applicable.

27 (g) Members of the board shall not be compensated for their partici-  
28 ipation on the board but shall receive reimbursement for their ordinary  
29 and necessary expenses of participation in activities of the board.

30 (h) Membership on the board shall not disqualify any person from hold-  
31 ing any public office or employment.

32 3. The board, in conjunction with other departments or experts within  
33 the field, shall conduct a comprehensive study for the purpose of moni-  
34 toring the long-term health impacts of the COVID-19 virus. The data  
35 collected shall only be utilized as authorized under state and federal  
36 law to inform the state's efforts to advance the care of people recover-  
37 ing from COVID-19. The purpose of the study shall be to:

38 (a) monitor the long-term physical and mental health impacts of  
39 COVID-19 infections, including, but not limited to, post-COVID condi-  
40 tions;

41 (b) identify racial, gender and sexual orientation disparities in long  
42 COVID;

43 (c) review current protocols for treatment of long COVID;

44 (d) develop and disseminate strategies for reducing the risk of long  
45 COVID, including risk resulting from racial, economic, or other dispari-  
46 ties; and

47 (e) advance prevention, diagnosis, treatment and interventions for  
48 individuals experiencing long COVID.

49 4. The commissioner may request and shall receive upon request from  
50 any department, division, board, bureau, commission, local health  
51 departments or other agency of the state or political subdivision there-  
52 of or any public authority, as well as hospitals established pursuant to  
53 article twenty-eight of this chapter, birthing facilities, medical exam-  
54 iners, coroners and coroner physicians and any other facility providing  
55 services associated with COVID-19, such information, including, but not  
56 limited to, death records, medical records, autopsy reports, toxicology

1 reports, hospital discharge records, birth records and any other infor-  
2 mation that will help the department to properly carry out the func-  
3 tions, powers and duties of the board as described in this section.

4 5. (a) The commissioner may solicit voluntary information, including  
5 oral or written statements, relating to long COVID cases, from any fami-  
6 ly member or other interested party including the patient, oral state-  
7 ments received under this paragraph shall be transcribed or summarized  
8 in writing. The commissioner shall transmit information obtained pursu-  
9 ant to this subdivision to the board.

10 (b) Before transmitting any information to the board, the commissioner  
11 shall remove all personal identifying information of the patient, health  
12 care practitioner or practitioners or anyone else individually named in  
13 such information, as well as the hospital or facility that treated the  
14 patient, and any other information such as geographic location that may  
15 inadvertently identify the patient, practitioner or facility. This para-  
16 graph shall not preclude the transmitting of information to the board  
17 that is reasonably necessary to enable the board to perform an appropri-  
18 ate review under this section.

19 (c) The commissioner may share non-patient specific information  
20 obtained pursuant to this subdivision with researchers for the purpose  
21 of medical, public health or other scientific research. As a condition  
22 of sharing such data or information, any subsequently published studies,  
23 reports or findings that used such data or information shall be made  
24 available at no charge to the public on the department's website.

25 (d) All personal information about people recovering from COVID-19  
26 shall be kept confidential by the department and may not be disclosed  
27 except for the purposes described in this subdivision.

28 (e) The commissioner shall promulgate regulations establishing permit-  
29 ted purposes and uses of study information. All such regulations shall  
30 maintain the anonymity of individuals and govern access to information  
31 maintained by the department. It shall not be a permitted purpose for  
32 the department or any authorized user of the study to provide informa-  
33 tion contained in the study with immigration authorities. The study  
34 shall comply with all state and federal laws and regulations related to  
35 maintaining the privacy and confidentiality of records contained with  
36 the study.

37 6. (a) The commissioner shall submit on or before December first, an  
38 annual report to the governor and the legislature concerning the opera-  
39 tion and findings of the study. The first such report required under  
40 this section shall be published on December first of the calendar year  
41 following the commencement of the study, and shall include the findings  
42 of any surveys conducted by the department on long COVID-19, the find-  
43 ings of any scientific studies, papers, or reports produced using data  
44 or information collected in the study, and recommendations for state  
45 action to address health issues or trends identified by the department.

46 (b) The commissioner, within their legal authority, may use the recom-  
47 mendations and findings of the board to develop guidance and other  
48 actions relating to best practices, and shall disseminate information  
49 relating to that guidance and other actions to appropriate health care  
50 providers.

51 § 4. This act shall take effect on the ninetieth day after it shall  
52 have become a law.