

# STATE OF NEW YORK

5971

2023-2024 Regular Sessions

## IN ASSEMBLY

March 24, 2023

Introduced by M. of A. SEAWRIGHT -- read once and referred to the  
Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to requiring the  
office for people with developmental disabilities to purchase and  
provide essential personal protection equipment to all direct support  
professionals, care recipients and group home providers in the event  
of a declaration of a state emergency that relates to public health

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

1 Section 1. Section 13.07 of the mental hygiene law is amended by  
2 adding a new subdivision (f) to read as follows:

3 (f) (1) In the event of a state declaration of disaster emergency  
4 pursuant to section twenty-eight of the executive law which relates to  
5 public health, the office shall:

6 (i) purchase and provide personal protective equipment (PPE) to all  
7 direct support professionals, care recipients and group home providers  
8 in the state, including centers operated by the office;

9 (ii) consider clinical best practices for PPE as it relates to current  
10 or state projected public health considerations that may result in an  
11 increased need for PPE;

12 (iii) provide PPE pursuant to this section within thirty days of such  
13 state declaration to accommodate an immediate need for increased  
14 supplies of PPE;

15 (iv) purchase and distribute PPE to protect direct support profes-  
16 sionals, care recipients and group home facility personnel, consistent  
17 with guidance from the federal centers for disease control and  
18 prevention, for at least sixty days at a daily rate of usage equal to  
19 the average daily rate that PPE was used between April nineteenth, two  
20 thousand twenty and April twenty-seventh, two thousand twenty; and

21 (v) replace and replenish PPE as needed to prevent extended use which  
22 would result in damaged PPE.

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

LBD04908-01-3

- 1     (2) For purposes of this subdivision, "damaged PPE" shall mean:
- 2     (i) a mask that has become soiled or difficult to breathe through as a
- 3     result of overuse;
- 4     (ii) a gown that has become visibly soiled; or
- 5     (iii) eye protection such as goggles or face shields that have become
- 6     visibly soiled.
- 7     § 2. This act shall take effect immediately.