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 Assembly, do enact as follows:

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

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

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

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

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

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

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

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

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(2) For purposes of this subdivision, "damaged PPE" shall mean:
(i) a mask that has become soiled or difficult to breathe through as a result of overuse;
(ii) a gown that has become visibly soiled; or
(iii) eye protection such as goggles or face shields that have become visibly soiled.

§ 2. This act shall take effect immediately.