STATE OF NEW YORK

5912

2023-2024 Regular Sessions

IN SENATE

March 22, 2023

Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to enacting the "Jamie Rose care provider act"

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

Section 1. This act shall be known and may be cited as the "Jamie Rose care provider act".

§ 2. The social services law is amended by adding a new section 459-i to read as follows:

§ 459-i. Suspected domestic abuse; health care facilities. 1. For the purposes of this section:

(a) "Health care facility" or "facility" means a home care services agency as defined in article thirty-six of the public health law, a hospice as defined in article forty of the public health law, a health maintenance organization as defined in article forty-four of the public health law, a shared health facility as defined in article forty-seven of the public health law, and any facility where a health care practitioner operates as a health care practitioner. "Health care facility" or "facility" shall not include a hospital as defined in article twenty-eight of the public health law.

(b) "Health care practitioner" or "practitioner" means a person licensed under article one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-three, one hundred fifty-four, one hundred fifty-six or one hundred fifty-nine of the education law or a person certified under former section twenty-five hundred sixty of the public health law.

2. Every health care facility shall: (a) develop, maintain and disseminate written policies and procedures for the identification, assess-

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

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ment, treatment and referral of confirmed or suspected cases of domestic violence; (b) establish, and implement on an ongoing basis, a training program for all nursing, medical, social work and other clinical personnel, and security personnel regarding the policies and procedures established pursuant to this section; and (c) designate a staff member to contact the domestic violence or victim assistance organization identified by the commissioner of health under subdivision four of this section providing victim assistance to the geographic area served by such health care facility to establish the coordination of services to domestic violence victims.

3. Upon intake of a confirmed or suspected domestic violence victim, such health care facility shall advise the victim of the availability of the services of a domestic violence or victim assistance organization. If after receiving such advice the domestic violence victim wishes the presence of a domestic violence or victim assistance advocate, such health care facility shall contact the appropriate organization and request that one be provided.

4. The commissioner of health shall promulgate such rules and regulations as may be necessary and proper to carry out effectively the provisions of this section. Prior to promulgating such rules and regulations, the commissioner of health shall consult with the office for the prevention of domestic violence and other such persons as the commissioner of health deems necessary to develop a model policy for health care facilities to utilize in complying with this section and to identify the domestic violence or victim assistance organizations operating in each health care facility's geographic area, a list of which the commissioner of health shall provide to health care facilities with the model policy.

§ 3. This act shall take effect one year 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 effective date.