

# 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:

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

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

5 § 459-i. Suspected domestic abuse; health care facilities. 1. For the  
6 purposes of this section:

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

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

24 2. Every health care facility shall: (a) develop, maintain and dissem-  
25 inate 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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1 ment, treatment and referral of confirmed or suspected cases of domestic  
2 violence; (b) establish, and implement on an ongoing basis, a training  
3 program for all nursing, medical, social work and other clinical person-  
4 nel, and security personnel regarding the policies and procedures estab-  
5 lished pursuant to this section; and (c) designate a staff member to  
6 contact the domestic violence or victim assistance organization identi-  
7 fied by the commissioner of health under subdivision four of this  
8 section providing victim assistance to the geographic area served by  
9 such health care facility to establish the coordination of services to  
10 domestic violence victims.

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

18 4. The commissioner of health shall promulgate such rules and regu-  
19 lations as may be necessary and proper to carry out effectively the  
20 provisions of this section. Prior to promulgating such rules and regu-  
21 lations, the commissioner of health shall consult with the office for  
22 the prevention of domestic violence and other such persons as the  
23 commissioner of health deems necessary to develop a model policy for  
24 health care facilities to utilize in complying with this section and to  
25 identify the domestic violence or victim assistance organizations oper-  
26 ating in each health care facility's geographic area, a list of which  
27 the commissioner of health shall provide to health care facilities with  
28 the model policy.

29 § 3. This act shall take effect one year after it shall have become a  
30 law. Effective immediately, the addition, amendment and/or repeal of any  
31 rule or regulation necessary for the implementation of this act on its  
32 effective date are authorized to be made and completed on or before such  
33 effective date.