

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## SUMMARY OF DECEMBER 2019 AMENDMENT TO THE NYS PUBLIC HEALTH LAW

In December 16, 2019, Governor Andrew Cuomo signed into law legislative bill A04757A/S05908. From a resident perspective, we believe that this is the most important law enacted in New York in a generation. The new law amends NYS Public Health Law §2803-d, "Reporting abuses of persons receiving care or services in residential health care facilities." These amendments strengthen protections and have the potential to improve accountability for abuse and neglect.

### Highlights of the Law's Provisions

1. Expands the existing duty of all facility employees and contractors to report to DOH any type of abuse (not just physical abuse) and theft from residents to the report obligation.
  - a. This duty pertains to the following: any operator or employee of the facility, any person who, or employee of any corporation, partnership, organization or other entity which, is under contract to provide patient care services in such facility, and any nursing home administrator, physician, medical examiner, coroner, physicians associate, specialists assistant, osteopath, chiropractor, physical therapist, occupational therapist, registered professional nurse, licensed practical nurse, dentist, podiatrist, optometrist, pharmacist, psychologist, licensed master social worker, licensed clinical social worker, speech pathologist, and audiologist.
  - b. The reporting requirement is triggered when any of these individuals have reasonable cause to believe that a person receiving care or services in a residential health care facility has been abused, mistreated or neglected in the facility.
2. Requires reports not sustained to be sealed rather than expunged.
3. Authorizes appointment of independent quality monitors, chosen by DOH, to assure compliance with nursing home written corrective action plans.
4. Requires disclosure to DOH of any co-owners or contractors with familial ties to the operator, limits debt obligation, and requires 90 day notice to the Department of sale, mortgage, or any encumbrance of facility property. This section also requires the recoupment of state funds for capital investment if a facility is sold and then used for a purpose other than providing health care.
5. Requires notification to prospective residents of residency agreement terms including rates charged to residents.

For more information about these and other abuse and neglect reporting requirements, as well as resources for resident-centered advocacy, please visit the Abuse, Neglect, and Crime Reporting Center located in the Learning Center on our website:

[www.nursinghome411.org](http://www.nursinghome411.org)