

A10427 Summary:

BILL NO A10427

SAME AS No Same As

SPONSOR Rules (Kim)

COSPNSR Epstein, Seawright, Jacobson, Mosley, Gottfried, Ortiz, Byrnes, Montesano, Niou, Glick, Lifton, Rosenthal L, Quart

MLTSPNSR

Rp1d Art 30-D, Pub Health L

Repeals the emergency or disaster treatment protection act which protects health care facilities and health care professionals from liability that may result from treatment of individuals with COVID-19 under conditions resulting from circumstances associated with the public health emergency.

A10427 Memo:

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A10427

SPONSOR: Rules (Kim)

TITLE OF BILL:

An act to repeal article 30-d of the public health law relating to the emergency or disaster treatment protection act

PURPOSE OR GENERAL IDEA OF BILL:

This bill repeals Article 30-D of the Public Health Law (colloquially known as the Emergency or Disaster Treatment Protection Act) with the intent of holding health care facilities, administrators, and executives accountable for harm and damages incurred.

SUMMARY OF PROVISIONS:

Section 1 amends the Public Health Law by repealing Article 30-D.

Section 2 provides the effective date.

DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):

This is a new bill.

JUSTIFICATION:

As the COVID-19 pandemic has progressed in New York State, it is now apparent that negligence by administrators and executives of nursing homes has occurred at an extraordinary degree. The consequences have been tragic: as of early May 2020, nearly five thousand of New York's elderly and most vulnerable residents have succumbed to this disease, and to date, there has been zero accountability nor transparency for these preventable deaths. The ELFA bill (A.9506/S.7506) in the FY 2021 state budget bills codified Article 30-D of the Public Health Law. In particular,

Article 30-D egregiously uses severe liability standards as a means to insulate health care facilities and specifically, administrators and executives of such facilities, from any civil or criminal liability for negligence. Repealing this article is a much-needed step to holding health care administrators accountable and doing everything possible to stop even more preventable deaths from happening.

PRIOR LEGISLATIVE HISTORY:

This is a new bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

Immediately upon passage.

A10427 Text:**STATE OF NEW YORK**

10427

IN ASSEMBLY

May 11, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Kim, Quart)
-- read once and referred to the Committee on Health

AN ACT to repeal article 30-d of the public health law relating to the
emergency or disaster treatment protection act

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

- 1 Section 1. Article 30-d of the public health law is REPEALED.
- 2 § 2. This act shall take effect immediately.

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

LBD16384-01-0