



NEW YORK STATE SENATOR

Joseph P. Addabbo Jr.

Addabbo sponsors bill that would allow persons with a disability to have an essential support person with them at the hospital during a pandemic

SENATOR JOSEPH P. ADDABBO, JR. February 3, 2021

| ISSUE: **COMBATING COVID-19 AND PROTECTING NEW YORKERS' HEALTH, DISABILITY ADVOCACY, HOSPITALS, ADDABBO**

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As the 2021 legislative session officially kicked off on this month, State Senator Joseph P. Addabbo, Jr. has sponsored a bill that looks to help those with disabilities when they have to be admitted to a hospital.

Senate Bill S.1035 prohibits hospitals from disallowing individuals with disabilities, who are unable to describe for themselves their medical condition, from having an essential support

person accompany them for the duration of their hospitalization in response to a pandemic or state disaster emergency.

This means that during an emergency situation or a pandemic — like the COVID-19 pandemic we are still fighting — persons with a disability, such as autism, would be able to have an essential person with them in the hospital to assist in their medical care.

For the purposes of this bill, the term “disability” is defined as an individual having any condition or disorder that makes it difficult for an individual to communicate a medical condition or everyday needs, including but not limited to autism or cerebral palsy. Also in the legislation, an “essential support person” as is defined as an individual who frequently accompanies and assists the individual with the disability.

“Bill S.1035 is an important piece of legislation that will help protect patients who cannot verbally express themselves or their medical wishes to hospital staff,” Addabbo said. “I was inspired to sponsor this bill after hearing the story of my constituent, Fred D’Amico, an adult with autism, who passed away at the hospital on March 31, 2020 after medical staff would not allow his mother or father, who were Fred’s life-long caretakers, to be with their son at the hospital to advocate on his behalf.”

“This is not about getting justice for me, but honoring my son, and making sure that this does not happen again to anyone else. We just had to go through Christmas without our son, and I do not want that experience for anyone else,” Maria D’Amico, Fred’s mother, said. “I wake up every day with a pain in my chest thinking that there might have been something more I could’ve done for Fred. I feel so guilty for leaving him alone in the hospital. Many people think that people with Autism don’t have emotions, but they are very affected by their surroundings and by sudden changes. My son never went anywhere without me or my daughter. I know that being left alone and surrounded by machines was terrifying for him. I

know he would have wanted me there to say goodbye. I believe that is part of why he died.”

“While we understand the need to limit the number of people inside of the hospital during a pandemic, like the one we are currently facing, it is vitally important to ensure that patients with communication deficiencies are able to have someone they trust with them to report to medical staff the patient’s medical history and needs,” Addabbo concluded. “What happened to Fred, and others, should never happen again.”

The bill has been sent to the Senate Disabilities Committee for review and a vote.

Assemblymember Stacey Pheffer Amato will be introducing the required accompanying bill in the State Assembly.

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#### RELATED LEGISLATION

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### **2021-S1035**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Prohibits general hospitals from disallowing individuals with disabilities from having an essential support person accompany them for the duration of their hospitalization

January 06, 2021

Signed by Governor

Sponsored by **Joseph P. Addabbo Jr.**

Do you support this bill?