

3423--A

2011-2012 Regular Sessions

I N S E N A T E

February 22, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- reported favorably from said committee and committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to providing a mental hygiene legal service to certain patients or residents of residential healthcare facilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (a) of section 47.01 of the mental hygiene law,
2 as amended by chapter 7 of the laws of 2007, is amended to read as
3 follows:
4 (a) There shall be a mental hygiene legal service of the state in each
5 judicial department. The service shall provide legal assistance to
6 patients or residents of a facility as defined in section 1.03 of this
7 chapter, PATIENTS OR RESIDENTS OF RESIDENTIAL HEALTHCARE FACILITIES
8 LICENSED AND OPERATING PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC
9 HEALTH LAW WHO HAVE BEEN ADMITTED DIRECTLY FROM A FACILITY AS DEFINED IN
10 SECTION 1.03 OF THIS CHAPTER AND WHO HAVE A SERIOUS MENTAL ILLNESS AS
11 DEFINED IN SECTION 1.03 OF THIS CHAPTER AND ARE RECEIVING SERVICES
12 RELATED TO SUCH ILLNESS, or any other place or facility which is
13 required to have an operating certificate pursuant to article sixteen or
14 thirty-one of this chapter, and to persons alleged to be in need of care
15 and treatment in such facilities or places, and to persons entitled to
16 such legal assistance as provided by article ten of this chapter. The
17 head of such service in each judicial department and such assistants and
18 such staff as may be necessary shall be appointed and may be removed by
19 the presiding justice of the appellate division of the judicial depart-
20 ment. Appointments and transfers to the service shall comply with the

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

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1 provisions of the civil service law. Standards for qualifications of the
2 personnel in the service shall be established by the presiding justice
3 of the appellate division of the judicial department. The presiding
4 justice of the appellate division of the judicial department shall
5 promulgate such rules or regulations as may be necessary to effectuate
6 the purposes of this article.

7 S 2. This act shall take effect immediately.