S T A T E O F N E W Y O R K

3622

2011-2012 Regular Sessions

I N S E N A T E

February 28, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to out-patient treatment

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

Section 1. The mental hygiene law is amended by adding a new article 30 to read as follows:

ARTICLE 30

OUT-PATIENT TREATMENT

SECTION 30.01 OUT-PATIENT TREATMENT.

S 30.01 OUT-PATIENT TREATMENT.

(A) A MENTAL HEALTH CARE PROFESSIONAL IS PROHIBITED FROM TREATING A VIOLENT PATIENT IN AN OFFICE LOCATED IN A RESIDENTIAL BUILDING.

(B) FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "RESIDENTIAL BUILDING" SHALL MEAN PROPERTY, ON WHICH EXISTS A BUILDING OR STRUCTURE CONTAINING MORE THAN ONE INDEPENDENT DWELLING UNIT OR WHERE MORE THAN ONE-THIRD OF THE TOTAL SQUARE FOOTAGE OF SAID STRUCTURE IS TO BE USED FOR RESIDENTIAL PURPOSES;

2. "MENTAL HEALTH CARE PROFESSIONALS" SHALL MEAN ANY QUALIFIED PSYCHIATRIST LICENSED PURSUANT TO SECTION SEVENTY-SIX HUNDRED THREE OF THE EDUCATION LAW OR CERTIFIED PSYCHOLOGISTS LICENSED PURSUANT TO ARTICLE ONE HUNDRED FIFTY-THREE OF THE EDUCATION LAW;

3. "VIOLENT PATIENT" SHALL MEAN ANY PERSON RECEIVING MENTAL HEALTH CARE, WHO, IN VIEW OF HIS OR HER TREATMENT HISTORY AND CURRENT BEHAVIOR, IS LIKELY TO CAUSE SERIOUS HARM TO HIS OR HER SELF OR OTHERS;

4. "LIKELIHOOD OF SERIOUS HARM" SHALL MEAN:

(I) SUBSTANTIAL RISK OF PHYSICAL HARM TO OTHER PERSONS AS MANIFESTED BY THREATS OF OR ATTEMPTS AT SUICIDE OR SERIOUS BODILY HARM OR OTHER

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

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CONDUCT DEMONSTRATING THAT THE PATIENT IS DANGEROUS TO HIS OR HER SELF, OR

(II) A SUBSTANTIAL RISK OF PHYSICAL HARM TO OTHER PERSONS AS MANIFESTED BY HOMICIDAL OR OTHER VIOLENT BEHAVIOR BY WHICH OTHERS ARE PLACED IN REASONABLE FEAR OF SERIOUS PHYSICAL HARM, OR

(III) THE PATIENT HAS A HISTORY INVOLVING ONE OR MORE ACTS OF SERIOUS VIOLENT BEHAVIOR TOWARD HIS OR HER SELF OR OTHERS WITHIN THE LAST FORTY-EIGHT MONTHS.

S 2. This act shall take effect immediately.