

S T A T E   O F   N E W   Y O R K

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10824--B

I N   A S S E M B L Y

April 23, 2010

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Introduced by M. of A. CUSICK, TITONE, HYER-SPENCER -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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     INCLUDING NURSING HOMES LICENSED AND OPERATING PURSUANT TO ARTICLE TWEN-  
9     TY-EIGHT OF THE PUBLIC HEALTH LAW WHO HAVE BEEN ADMITTED DIRECTLY FROM A  
10    FACILITY AS DEFINED IN SECTION 1.03 OF THIS CHAPTER AND WHO HAVE A SERI-  
11    OUS MENTAL ILLNESS AS DEFINED IN SECTION 1.03 OF THIS CHAPTER AND ARE  
12    RECEIVING SERVICES RELATED TO SUCH ILLNESS, or any other place or facil-  
13    ity which is required to have an operating certificate pursuant to arti-  
14    cle sixteen or thirty-one of this chapter, and to persons alleged to be  
15    in need of care and treatment in such facilities or places, and to  
16    persons entitled to such legal assistance as provided by article ten of  
17    this chapter. The head of such service in each judicial department and  
18    such assistants and such staff as may be necessary shall be appointed  
19    and may be removed by the presiding justice of the appellate division of  
20    the judicial department. Appointments and transfers to the service  
21    shall comply with the provisions of the civil service law. Standards for  
22    qualifications of the personnel in the service shall be established by  
23    the presiding justice of the appellate division of the judicial depart-  
24    ment. The presiding justice of the appellate division of the judicial  
25    department shall promulgate such rules or regulations as may be neces-  
26    sary to effectuate the purposes of this article.  
27    S 2. This act shall take effect immediately.

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

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