

2526

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. BRENNAN, WEISENBERG, SCHROEDER, JAFFEE, CAHILL --  
Multi-Sponsored by -- M. of A. BOYLAND, DINOWITZ, GLICK, GOTTFRIED,  
HOOPER, JACOBS, LANCMAN, MENG, MILLMAN, PERRY -- read once and  
referred to the Committee on Mental Health, Mental Retardation and  
Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to liability for the  
payment of fees for services rendered by the department of mental  
hygiene

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

1 Section 1. Section 43.03 of the mental hygiene law is amended by  
2 adding a new subdivision (e) to read as follows:  
3 (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMIS-  
4 SIONER SHALL NOT COLLECT ANY FEES FOR SERVICES FROM ANY MONIES PAID TO  
5 OR TO BE PAID TO OR ON BEHALF OF A PATIENT, HIS ESTATE OR A REPRESEN-  
6 TATIVE OF A PATIENT OR HIS ESTATE, AS A RESULT OF OR IN RETURN FOR A  
7 RELEASE OF LIABILITY OR A COURT ORDERED SETTLEMENT OR JUDGMENT AGAINST  
8 THE STATE ARISING FROM AN ACT OR OMISSION OF THE STATE, THE OFFICE OR  
9 ANY EMPLOYEE OR AGENT THEREOF, IF SUCH ACT OR OMISSION OCCURRED DURING  
10 THE COURSE OF CONFINEMENT OF OR DURING THE PROVISION OF CARE TO SUCH  
11 PATIENT. SUCH MONIES SHALL NOT BE OFFSET OR OTHERWISE ENCUMBERED FOR THE  
12 PURPOSE OF PAYING SUCH FEES.  
13 S 2. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after January 1, 1999 and  
15 shall apply to causes of action pending or commencing on or after such  
16 date.

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

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