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

6764

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

Introduced by M. of A. GORDON, P. RIVERA, LANCMAN, MILLMAN, REILLY, WEISENBERG, JAFFEE, SPANO, MAISEL, N. RIVERA, GOTTFRIED, MAYERSOHN, McENENY, PEOPLES, SCHIMEL, DUPREY -- 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 the safe staffing of mental retardation and developmental disabilities residential facilities

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

Section 1. Section 13.19 of the mental hygiene law is amended by adding a new subdivision (f) to read as follows:

(F) THE COMMISSIONER SHALL PROMULGATE REGULATIONS WHICH ESTABLISH AND ENSURE SAFE AND APPROPRIATE STAFFING LEVELS IN RESIDENTIAL PROGRAMS OPERATED OR CERTIFIED BY THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES. PROVIDED, FURTHER, HOWEVER, THAT NO DIRECT CARE EMPLOYEE OF A RESIDENTIAL FACILITY OPERATED OR CERTIFIED BY SUCH OFFICE MAY WORK MORE THAN SIXTEEN CONSECUTIVE HOURS IN ANY FIVE DAY WORK PERIOD, EXCEPT IN CASES OF EXTRAORDINARY EMERGENCY INCLUDING FIRE, FLOOD OR DANGER TO LIFE OR PROPERTY. FOR THE PURPOSES OF THIS SUBDIVISION, "DIRECT CARE EMPLOYEE" MEANS AN EMPLOYEE WHOSE PRIMARY RESPONSIBILITY IS THE DAILY CARE OF, SUPERVISION OF AND INTERACTION WITH RESIDENTS OF A RESIDENTIAL FACILITY OPERATED BY OR CERTIFIED BY THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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