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

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2009-2010 Regular Sessions

I N  S E N A T E

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Introduced by Sens. MAZIARZ, GOLDEN, GRIFFO, LARKIN, MORAHAN, RANZENHOFER, VOLKER -- 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 safety provisions for employees of the office of mental health

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

Section 1. Section 7.25 of the mental hygiene law is amended by adding two new subdivisions (c) and (d) to read as follows:

(C) IN ANY OUTPATIENT PROGRAM STAFFED IN WHOLE OR IN PART BY EMPLOYEES OF THE OFFICE OF MENTAL HEALTH, THE COMMISSIONER SHALL DIRECT THAT NO EMPLOYEE SHALL BE REQUIRED TO ENTER THE RESIDENCE OF A RECIPIENT OF SERVICES WHO IS A PERSON WITH SERIOUS MENTAL ILLNESS AS DEFINED IN SUBDIVISION FIFTY-TWO OF SECTION 1.03 OF THIS CHAPTER UNLESS SUCH EMPLOYEE IS ACCOMPANIED BY AT LEAST ONE OTHER EMPLOYEE OF THE PROGRAM, OR OTHER APPROPRIATE PERSON. THE COMMISSIONER SHALL ALSO DIRECT THAT ALL SUCH EMPLOYEES SHALL, WHEN THEY ARE REQUIRED TO ENTER THE RESIDENCE OF A RECIPIENT OF SERVICES, BE SUPPLIED WITH A WIRELESS TELEPHONE OR COMPARABLE DEVICE FOR THE PURPOSES OF EMERGENCY COMMUNICATIONS.

(D) THE COMMISSIONER SHALL DIRECT THAT ALL EMPLOYEES OF THE OFFICE OF MENTAL HEALTH SERVING AS INTENSIVE CASE MANAGERS SHALL RECEIVE ANNUAL TRAINING IN SAFETY AND VIOLENCE PREVENTION AND SHALL INSURE THAT SUCH TRAINING IS MADE AVAILABLE BY THE OFFICE AFTER CONSULTATION WITH THE EMPLOYEE ORGANIZATIONS REPRESENTING SUCH EMPLOYEES. FUNDS APPROPRIATED TO THE OFFICE OF MENTAL HEALTH FOR THE OPERATION OF OUTPATIENT PROGRAMS SHALL BE EXPENDED BY THE OFFICE OF MENTAL HEALTH TO INSURE THAT SUFFICIENT STAFF SHALL BE EMPLOYED AS INTENSIVE CASE MANAGERS TO INSURE THAT THERE SHALL BE NO FEWER THAN ONE INTENSIVE CASE MANAGER FOR EACH TWELVE PERSONS RECEIVING SERVICES OF INTENSIVE CASE MANAGEMENT; AND IN THE CASE OF ASSERTIVE COMMUNITY TREATMENT TEAMS THE SAME STAFF TO CONSUMER RATIO

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

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SHALL BE MAINTAINED. IN THE EVENT ANY SUCH STAFF POSITIONS BECOME VACANT, THE COMMISSIONER AND THE DIVISION OF BUDGET SHALL CAUSE SUCH POSITIONS TO BE PROMPTLY FILLED IN ORDER TO MAINTAIN AT LEAST SUCH RATIO OF STAFF TO RECIPIENTS.

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