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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

AN ACT to amend the mental hygiene law, in relation to providing a mental hygiene legal service to patients or residents of nursing home 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, OR  
8     NURSING HOME FACILITIES CERTIFIED OR LICENSED BY THE OFFICE OF MENTAL  
9     HEALTH OR BY THE DEPARTMENT OF HEALTH, or any other place or facility  
10    which is required to have an operating certificate pursuant to article  
11    sixteen or thirty-one of this chapter, and to persons alleged to be in  
12    need of care and treatment in such facilities or places, and to persons  
13    entitled to such legal assistance as provided by article ten of this  
14    chapter. The head of such service in each judicial department and such  
15    assistants and such staff as may be necessary shall be appointed and may  
16    be removed by the presiding justice of the appellate division of the  
17    judicial department. Appointments and transfers to the service shall  
18    comply with the provisions of the civil service law. Standards for qual-  
19    ifications of the personnel in the service shall be established by the  
20    presiding justice of the appellate division of the judicial department.  
21    The presiding justice of the appellate division of the judicial depart-  
22    ment shall promulgate such rules or regulations as may be necessary to  
23    effectuate the purposes of this article.  
24    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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