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

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I N A S S E M B L Y

April 23, 2010

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:

Section 1. Subdivision (a) of section 47.01 of the mental hygiene law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(a) There shall be a mental hygiene legal service of the state in each judicial department. The service shall provide legal assistance to patients or residents of a facility as defined in section 1.03 of this chapter, PATIENTS OR RESIDENTS OF RESIDENTIAL HEALTHCARE FACILITIES, OR NURSING HOME FACILITIES CERTIFIED OR LICENSED BY THE OFFICE OF MENTAL HEALTH OR BY THE DEPARTMENT OF HEALTH, or any other place or facility which is required to have an operating certificate pursuant to article sixteen or thirty-one of this chapter, and to persons alleged to be in need of care and treatment in such facilities or places, and to persons entitled to such legal assistance as provided by article ten of this chapter. The head of such service in each judicial department and such assistants and such staff as may be necessary shall be appointed and may be removed by the presiding justice of the appellate division of the judicial department. Appointments and transfers to the service shall comply with the provisions of the civil service law. Standards for qualifications of the personnel in the service shall be established by the presiding justice of the appellate division of the judicial department. The presiding justice of the appellate division of the judicial department shall promulgate such rules or regulations as may be necessary to effectuate the purposes of this article.

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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