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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 43.03 of the mental hygiene law is amended by adding a new subdivision (e) to read as follows:

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMISSIONER SHALL NOT COLLECT ANY FEES FOR SERVICES FROM ANY MONIES PAID TO OR TO BE PAID TO OR ON BEHALF OF A PATIENT, HIS ESTATE OR A REPRESENTATIVE OF A PATIENT OR HIS ESTATE, AS A RESULT OF OR IN RETURN FOR A RELEASE OF LIABILITY OR A COURT ORDERED SETTLEMENT OR JUDGMENT AGAINST THE STATE ARISING FROM AN ACT OR OMISSION OF THE STATE, THE OFFICE OR ANY EMPLOYEE OR AGENT THEREOF, IF SUCH ACT OR OMISSION OCCURRED DURING THE COURSE OF CONFINEMENT OF OR DURING THE PROVISION OF CARE TO SUCH PATIENT. SUCH MONIES SHALL NOT BE OFFSET OR OTHERWISE ENCUMBERED FOR THE PURPOSE OF PAYING SUCH FEES.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 1999 and shall apply to causes of action pending or commencing on or after such date.

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

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