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

5903

2009-2010 Regular Sessions

I N  A S S E M B L Y

February 23, 2009

Introduced by M. of A. TITONE, JAFFEE, LUPARDO, TOBACCO -- 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 prohibiting co-mingling of adolescent and adult patients in residential facilities

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

Section 1. Section 7.09 of the mental hygiene law is amended by adding a new subdivision (k) to read as follows:

(K) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROHIBITING THE CO-MINGLING OF ADOLESCENT AND ADULT PATIENTS IN RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT AND, PROGRAMS SUBJECT TO AN OPERATING CERTIFICATE PURSUANT TO SECTION 31.02 OF THIS CHAPTER. SUCH RULES AND REGULATIONS SHALL ADDRESS AGE SPECIFIC CONCERNS AND NEEDS OF PATIENTS AND SHALL INCLUDE BUT NOT BE LIMITED TO: PROTOCOLS AND PROCEDURES FOR APPROPRIATE AGE AND PROGRAM SEPARATION IN BOTH RESIDENTIAL AND TREATMENT PROGRAMS; PREVENTIVE AND REMEDIAL ACTIONS, INCLUDING INCIDENT REPORTING, TO BE TAKEN TO PREVENT INCIDENTS OF ABUSE OR MALTREATMENT; AND SECURITY REQUIREMENTS NECESSARY TO INSURE THE HEALTH AND SAFETY OF ADOLESCENT AND ADULT PATIENTS.

S 2. This act shall take effect immediately; provided, however that the rules and regulations required by section one of this act shall be issued on the one hundred twentieth day after enactment of this act and, provided further that 30 days prior to such issuance, the commissioner of mental health shall submit the required rules and regulations to the governor, the speaker of the assembly and the majority leader of the senate for their review.

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

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