

7878

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

Introduced by M. of A. HOYT, SCHROEDER -- 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 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:

1 Section 1. Section 7.25 of the mental hygiene law is amended by adding
2 two new subdivisions (c) and (d) to read as follows:
3 (C) IN ANY OUTPATIENT PROGRAM STAFFED IN WHOLE OR IN PART BY EMPLOYEES
4 OF THE OFFICE OF MENTAL HEALTH, THE COMMISSIONER SHALL DIRECT THAT NO
5 EMPLOYEE SHALL BE REQUIRED TO ENTER THE RESIDENCE OF A RECIPIENT OF
6 SERVICES WHO IS A PERSON WITH SERIOUS MENTAL ILLNESS AS DEFINED IN
7 SUBDIVISION FIFTY-TWO OF SECTION 1.03 OF THIS CHAPTER UNLESS SUCH
8 EMPLOYEE IS ACCOMPANIED BY AT LEAST ONE OTHER EMPLOYEE OF THE PROGRAM,
9 OR OTHER APPROPRIATE PERSON. THE COMMISSIONER SHALL ALSO DIRECT THAT
10 ALL SUCH EMPLOYEES SHALL, WHEN THEY ARE REQUIRED TO ENTER THE RESIDENCE
11 OF A RECIPIENT OF SERVICES, BE SUPPLIED WITH A WIRELESS TELEPHONE OR
12 COMPARABLE DEVICE FOR THE PURPOSES OF EMERGENCY COMMUNICATIONS.
13 (D) THE COMMISSIONER SHALL DIRECT THAT ALL EMPLOYEES OF THE OFFICE OF
14 MENTAL HEALTH SERVING AS INTENSIVE CASE MANAGERS SHALL RECEIVE ANNUAL
15 TRAINING IN SAFETY AND VIOLENCE PREVENTION AND SHALL INSURE THAT SUCH
16 TRAINING IS MADE AVAILABLE BY THE OFFICE AFTER CONSULTATION WITH THE
17 EMPLOYEE ORGANIZATIONS REPRESENTING SUCH EMPLOYEES. FUNDS APPROPRIATED
18 TO THE OFFICE OF MENTAL HEALTH FOR THE OPERATION OF OUTPATIENT PROGRAMS
19 SHALL BE EXPENDED BY THE OFFICE OF MENTAL HEALTH TO INSURE THAT SUFFI-
20 CIENT STAFF SHALL BE EMPLOYED AS INTENSIVE CASE MANAGERS TO INSURE THAT
21 THERE SHALL BE NO FEWER THAN ONE INTENSIVE CASE MANAGER FOR EACH TWELVE
22 PERSONS RECEIVING SERVICES OF INTENSIVE CASE MANAGEMENT; AND IN THE CASE
23 OF ASSERTIVE COMMUNITY TREATMENT TEAMS THE SAME STAFF TO CONSUMER RATIO
24 SHALL BE MAINTAINED. IN THE EVENT ANY SUCH STAFF POSITIONS BECOME

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

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1 VACANT, THE COMMISSIONER AND THE DIVISION OF BUDGET SHALL CAUSE SUCH
2 POSITIONS TO BE PROMPTLY FILLED IN ORDER TO MAINTAIN AT LEAST SUCH RATIO
3 OF STAFF TO RECIPIENTS.
4 S 2. This act shall take effect on the sixtieth day after it shall
5 have become a law.