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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 4, 2009

Introduced by M. of A. ORTIZ, DINOWITZ, JAFFEE, LUPARDO, ESPAILLAT, GREENE -- Multi-Sponsored by -- M. of A. BOYLAND, DIAZ, KOON, PEOPLES, ROBINSON, WEISENBERG -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to creating a chemical dependence treatment bill of rights

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

Section 1. Subdivision (c) of section 22.03 of the mental hygiene law, as added by chapter 558 of the laws of 1999, is amended and a new subdivision (d) is added to read as follows:

(c) The director of every chemical dependence program, service, or treatment facility shall post copies of [a notice] CHEMICAL DEPENDENCE TREATMENT BILL OF RIGHTS in a form and manner to be determined by the commissioner, at places throughout the facility or program where such [notice] BILL OF RIGHTS shall be conspicuous and visible to all patients[, stating]. THE CHEMICAL DEPENDENCE TREATMENT BILL OF RIGHTS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, the following:

1. [a general statement of the rights of patients under the various admission or retention provisions of this article; and

2. the right of the patient to communicate with the director, the board of visitors, if any, and the commissioner] EVERY PATIENT HAS THE RIGHT TO PARTICIPATE IN DEVELOPING AN INDIVIDUALIZED PLAN OF TREATMENT AND TO REQUEST A REVIEW OF HIS OR HER TREATMENT PLAN BY ANOTHER CLINICIAN;

2. EVERY PATIENT HAS THE RIGHT TO RECEIVE AN EXPLANATION OF SERVICES IN ACCORDANCE WITH HIS OR HER TREATMENT PLAN;

3. EVERY PATIENT SHALL HAVE THE RIGHT TO BE FULLY INFORMED OF HIS OR HER PROPOSED TREATMENT, INCLUDING POSSIBLE ADVERSE EFFECTS;

4. EVERY PATIENT HAS THE RIGHT TO OBJECT TO OR TERMINATE TREATMENT UNLESS OTHERWISE DIRECTED PURSUANT TO COURT ORDER;

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

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5. EVERY PATIENT HAS THE RIGHT TO PRIVACY IN TREATMENT AND IN CARING FOR PERSONAL NEEDS, TO HAVE CONFIDENTIALITY IN THE TREATMENT OF PERSONAL AND MEDICAL RECORDS, AND TO HAVE SECURITY IN STORING POSSESSIONS;

6. EVERY PATIENT HAS THE RIGHT TO HAVE ACCESS TO HIS OR HER TREATMENT RECORDS;

7. EVERY PATIENT HAS THE RIGHT TO RECEIVE COURTEOUS, FAIR, AND RESPECTFUL TREATMENT THAT IS APPROPRIATE TO HIS OR HER INDIVIDUAL NEEDS;

8. EVERY PATIENT SHALL BE TREATED IN A MANNER THAT IS FREE FROM ABUSE, DISCRIMINATION, MISTREATMENT, AND EXPLOITATION;

9. EVERY PATIENT'S CIVIL AND RELIGIOUS LIBERTIES, INCLUDING THE RIGHT TO INDEPENDENT PERSONAL DECISIONS AND KNOWLEDGE OF AVAILABLE CHOICES, SHALL NOT BE INFRINGED AND FACILITY OR PROGRAM STAFF SHALL ENCOURAGE AND ASSIST IN THE FULLEST EXERCISE OF THESE RIGHTS; AND

10. EVERY PATIENT SHALL BE FREE TO REPORT GRIEVANCES REGARDING SERVICES OR STAFF TO A SUPERVISOR, DIRECTOR, THE BOARD OF VISITORS, OR THE COMMISSIONER.

(D) EVERY CHEMICAL DEPENDENCE PROGRAM, SERVICE, OR FACILITY SHALL GIVE A COPY OF THE CHEMICAL DEPENDENCE TREATMENT BILL OF RIGHTS TO EACH PATIENT AT OR PRIOR TO THE TIME OF ADMISSION, OR TO THE APPOINTED REPRESENTATIVE AT THE TIME OF APPOINTMENT AND TO EACH MEMBER OF THE STAFF AT THE PROGRAM, SERVICE, OR FACILITY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.