

3013

2009-2010 Regular Sessions

I N S E N A T E

March 9, 2009

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health 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:

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

3 (K) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROHIBIT-
4 ING THE CO-MINGLING OF ADOLESCENT AND ADULT PATIENTS IN RESIDENTIAL
5 FACILITIES OPERATED BY THE DEPARTMENT AND, PROGRAMS SUBJECT TO AN OPER-
6 ATING CERTIFICATE PURSUANT TO SECTION 31.02 OF THIS CHAPTER. SUCH RULES
7 AND REGULATIONS SHALL ADDRESS AGE SPECIFIC CONCERNS AND NEEDS OF
8 PATIENTS AND SHALL INCLUDE BUT NOT BE LIMITED TO: PROTOCOLS AND PROCE-
9 DURES FOR APPROPRIATE AGE AND PROGRAM SEPARATION IN BOTH RESIDENTIAL AND
10 TREATMENT PROGRAMS; PREVENTIVE AND REMEDIAL ACTIONS, INCLUDING INCIDENT
11 REPORTING, TO BE TAKEN TO PREVENT INCIDENTS OF ABUSE OR MALTREATMENT;
12 AND SECURITY REQUIREMENTS NECESSARY TO INSURE THE HEALTH AND SAFETY OF
13 ADOLESCENT AND ADULT PATIENTS.

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

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

LBD08786-01-9