

5594

2009-2010 Regular Sessions

I N S E N A T E

May 20, 2009

Introduced by Sen. HUNTLEY -- 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 increasing the frequency of visitation and inspection of facilities per year

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

1 Section 1. Subdivision (a) of section 16.11 of the mental hygiene law,
2 as amended by chapter 214 of the laws of 1993, is amended to read as
3 follows:
4 (a) The commissioner shall provide for the periodic visitation and
5 inspection of each facility. Inspections shall be made as frequently as
6 the commissioner may deem necessary but in any event such inspections
7 shall be made on at least [two] THREE occasions during each calendar
8 year[, at least one of] which shall be without prior notice, provided,
9 however, that where, in the discretion of the commissioner, an operating
10 certificate has been issued to a program with a history of compliance
11 and a record of providing a high quality of care, the periodic
12 inspection and visitation required by this subdivision shall be made at
13 least [once] TWICE during each calendar year provided such [visit]
14 VISITS shall be without prior notice. ANY MEMBER OR MEMBERS OF A BOARD
15 OF VISITORS, APPOINTED PURSUANT TO SECTION 13.33 OF THIS TITLE, AND ANY
16 OTHER INDIVIDUAL OR INDIVIDUALS THE COMMISSIONER AT HIS OR HER
17 DISCRETION APPROVES, MAY ACCOMPANY INSPECTORS DURING THE STATE'S PERIOD-
18 IC VISITATIONS AND INSPECTIONS CONDUCTED PURSUANT TO THIS SECTION AS
19 INDEPENDENT MONITORS.
20 S 2. This act shall take effect immediately.

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

LBD11946-02-9