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

7317

2011-2012 Regular Sessions

I N A S S E M B L Y

April 29, 2011

Introduced by M. of A. McDONOUGH, RAIA, McKEVITT, SALADINO -- Multi-Sponsored by -- M. of A. CROUCH, FINCH, HAWLEY, MURRAY, PALMESANO, TITONE -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the mental hygiene law, in relation to requiring providers of non-emergency, clinical outpatient treatment to check whether patients are sex offenders and to segregate sex offender patients from other patients

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

Section 1. The public health law is amended by adding a new section 22 to read as follows:

S 22. REQUIREMENT TO CHECK SEX OFFENDER REGISTRY; CONTINUING CLINICAL OUTPATIENT TREATMENT. 1. EVERY PERSON AND ENTITY WHICH PROVIDES A NON-EMERGENCY, CLINICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL REQUIRE EACH SUCH PATIENT TO PROVIDE HIS OR HER ADDRESS AND DATE OF BIRTH, AND INQUIRE WHETHER SUCH PATIENT IS A SEX OFFENDER, AS DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. IN ADDITION, SUCH PERSON OR ENTITY SHALL CALL THE SPECIAL TELEPHONE NUMBER OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER EACH SUCH PATIENT IS A SEX OFFENDER.

2. EVERY PERSON AND ENTITY WHICH PROVIDES A NON-EMERGENCY, CLINICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL SCHEDULE AND TREAT PATIENTS WHO ARE SEX OFFENDERS DURING AND AT SUCH TIMES AS NO PATIENTS WHO ARE NOT SEX OFFENDERS ARE WITHIN ANY PORTION OF THE FACILITY IN WHICH TREATMENT IS PROVIDED.

S 2. The mental hygiene law is amended by adding a new section 33.27 to read as follows:

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

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S 33.27 REQUIREMENT TO CHECK SEX OFFENDER REGISTRY; CONTINUING CLINICAL OUTPATIENT TREATMENT.

(A) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLINICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL REQUIRE EACH SUCH PATIENT TO PROVIDE HIS OR HER ADDRESS AND DATE OF BIRTH, AND INQUIRE WHETHER SUCH PATIENT IS A SEX OFFENDER, AS DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. IN ADDITION, SUCH FACILITY OR PROGRAM SHALL CALL THE SPECIAL TELEPHONE NUMBER, OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER EACH SUCH PATIENT IS A SEX OFFENDER.

(B) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLINICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL SCHEDULE AND TREAT PATIENTS WHO ARE SEX OFFENDERS DURING AND AT SUCH TIMES AS NO PATIENTS WHO ARE NOT SEX OFFENDERS ARE WITHIN ANY PORTION OF THE FACILITY OR PROGRAM IN WHICH TREATMENT IS PROVIDED.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.