

4346

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 3, 2011

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Introduced by M. of A. BRENNAN, WEISENBERG, SCHROEDER, JAFFEE, CAHILL, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, DenDEKKER, DINOWITZ, GABRYSZAK, GLICK, GOTTFRIED, HOOPER, JACOBS, LANCMAN, MENG, MILLMAN, PERRY -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to liability for the payment of fees for services rendered by the department of mental hygiene

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

1     Section 1. Section 43.03 of the mental hygiene law is amended by  
2     adding a new subdivision (e) to read as follows:  
3     (E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COMMIS-  
4     SIONER SHALL NOT COLLECT ANY FEES FOR SERVICES FROM ANY MONIES PAID TO  
5     OR TO BE PAID TO OR ON BEHALF OF A PATIENT, HIS ESTATE OR A REPRESENTATIVE OF A PATIENT OR HIS ESTATE, AS A RESULT OF OR IN RETURN FOR A  
6     RELEASE OF LIABILITY OR A COURT ORDERED SETTLEMENT OR JUDGMENT AGAINST  
7     THE STATE ARISING FROM AN ACT OR OMISSION OF THE STATE, THE OFFICE OR  
8     ANY EMPLOYEE OR AGENT THEREOF, IF SUCH ACT OR OMISSION OCCURRED DURING  
9     THE COURSE OF CONFINEMENT OF OR DURING THE PROVISION OF CARE TO SUCH  
10    PATIENT. SUCH MONIES SHALL NOT BE OFFSET OR OTHERWISE ENCUMBERED FOR THE  
11    PURPOSE OF PAYING SUCH FEES.  
12    S 2. This act shall take effect immediately and shall be deemed to  
13    have been in full force and effect on and after January 1, 1999 and  
14    shall apply to causes of action pending or commencing on or after such  
15    date.  
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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