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

4731

2011-2012 Regular Sessions

I N A S S E M B L Y

February 7, 2011

Introduced by M. of A. TITONE, JAFFEE, LUPARDO, TOBACCO, PAULIN, GIBSON, RUSSELL, MILLMAN, MENG, KAVANAGH, CRESPO, LAVINE, M. MILLER, ZEBROWSKI, WEPRIN, THIELE, JEFFRIES, ROBINSON, CASTRO, BARRON, MAYERSOHN -- Multi-Sponsored by -- M. of A. BOYLAND, GABRYSZAK, GOTTFRIED, HOYT, MARKEY, PHEFFER, REILLY, SALADINO, SCHIMEL, SWEENEY, WEISENBERG -- read once and referred to the Committee on Mental Health

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:

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

(K) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROHIBITING THE CO-MINGLING OF ADOLESCENT AND ADULT PATIENTS IN RESIDENTIAL FACILITIES OPERATED BY THE OFFICE AND PROGRAMS SUBJECT TO AN OPERATING CERTIFICATE PURSUANT TO SECTION 31.02 OF THIS CHAPTER. SUCH RULES AND REGULATIONS SHALL ADDRESS AGE SPECIFIC CONCERNS AND NEEDS OF PATIENTS AND SHALL INCLUDE BUT NOT BE LIMITED TO: PROTOCOLS AND PROCEDURES FOR APPROPRIATE AGE AND PROGRAM SEPARATION IN BOTH RESIDENTIAL AND TREATMENT PROGRAMS; PREVENTIVE AND REMEDIAL ACTIONS, INCLUDING INCIDENT REPORTING, TO BE TAKEN TO PREVENT INCIDENTS OF ABUSE OR MALTREATMENT; AND SECURITY REQUIREMENTS NECESSARY TO INSURE THE HEALTH AND SAFETY OF ADOLESCENT AND ADULT PATIENTS.

S 2. This act shall take effect immediately; provided, that any rules and regulations necessary to implement the provisions of section one of this act shall be promulgated within one hundred twenty days after this act shall take effect and, provided further that 30 days prior to such promulgation, the commissioner of mental health shall submit the required rules and regulations to the governor, the temporary president of the senate and the speaker of the assembly for their review.

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

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