

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:

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 OFFICE AND PROGRAMS SUBJECT TO AN OPERATING
6 CERTIFICATE PURSUANT TO SECTION 31.02 OF THIS CHAPTER. SUCH RULES AND
7 REGULATIONS SHALL ADDRESS AGE SPECIFIC CONCERNS AND NEEDS OF PATIENTS
8 AND SHALL INCLUDE BUT NOT BE LIMITED TO: PROTOCOLS AND PROCEDURES FOR
9 APPROPRIATE AGE AND PROGRAM SEPARATION IN BOTH RESIDENTIAL AND TREATMENT
10 PROGRAMS; PREVENTIVE AND REMEDIAL ACTIONS, INCLUDING INCIDENT REPORTING,
11 TO BE TAKEN TO PREVENT INCIDENTS OF ABUSE OR MALTREATMENT; AND SECURITY
12 REQUIREMENTS NECESSARY TO INSURE THE HEALTH AND SAFETY OF ADOLESCENT AND
13 ADULT PATIENTS.
14 S 2. This act shall take effect immediately; provided, that any rules
15 and regulations necessary to implement the provisions of section one of
16 this act shall be promulgated within one hundred twenty days after this
17 act shall take effect and, provided further that 30 days prior to such
18 promulgation, the commissioner of mental health shall submit the
19 required rules and regulations to the governor, the temporary president
20 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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