

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, DINOWITZ, JAFFEE, LUPARDO -- Multi-Sponsored by -- M. of A. BOYLAND, PEOPLES-STOKES, ROBINSON, WEISENBERG -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to creating a chemical dependence treatment bill of rights

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

1 Section 1. Subdivision (c) of section 22.03 of the mental hygiene law,
2 as added by chapter 558 of the laws of 1999, is amended and a new subdivi-
3 sion (d) is added to read as follows:

4 (c) The director of every chemical dependence program, service, or
5 treatment facility shall post copies of [a notice] THE CHEMICAL DEPEND-
6 ENCE TREATMENT BILL OF RIGHTS in a form and manner to be determined by
7 the commissioner, at places throughout the facility or program where
8 such [notice] BILL OF RIGHTS shall be conspicuous and visible to all
9 patients[, stating]. THE CHEMICAL DEPENDENCE TREATMENT BILL OF RIGHTS
10 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, the following:

11 1. [a general statement of the rights of patients under the various
12 admission or retention provisions of this article; and

13 2. the right of the patient to communicate with the director, the
14 board of visitors, if any, and the commissioner] EVERY PATIENT HAS THE
15 RIGHT TO PARTICIPATE IN DEVELOPING AN INDIVIDUALIZED PLAN OF TREATMENT
16 AND TO REQUEST A REVIEW OF HIS OR HER TREATMENT PLAN BY ANOTHER CLINI-
17 CIAN;

18 2. EVERY PATIENT HAS THE RIGHT TO RECEIVE AN EXPLANATION OF SERVICES
19 IN ACCORDANCE WITH HIS OR HER TREATMENT PLAN;

20 3. EVERY PATIENT SHALL HAVE THE RIGHT TO BE FULLY INFORMED OF HIS OR
21 HER PROPOSED TREATMENT, INCLUDING POSSIBLE ADVERSE EFFECTS;

22 4. EVERY PATIENT HAS THE RIGHT TO OBJECT TO OR TERMINATE TREATMENT
23 UNLESS OTHERWISE DIRECTED PURSUANT TO COURT ORDER;

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

1 5. EVERY PATIENT HAS THE RIGHT TO PRIVACY IN TREATMENT AND IN CARING
2 FOR PERSONAL NEEDS, TO HAVE CONFIDENTIALITY IN THE TREATMENT OF PERSONAL
3 AND MEDICAL RECORDS, AND TO HAVE SECURITY IN STORING POSSESSIONS;

4 6. EVERY PATIENT HAS THE RIGHT TO HAVE ACCESS TO HIS OR HER TREATMENT
5 RECORDS;

6 7. EVERY PATIENT HAS THE RIGHT TO RECEIVE COURTEOUS, FAIR, AND
7 RESPECTFUL TREATMENT THAT IS APPROPRIATE TO HIS OR HER INDIVIDUAL NEEDS;

8 8. EVERY PATIENT SHALL BE TREATED IN A MANNER THAT IS FREE FROM ABUSE,
9 DISCRIMINATION, MISTREATMENT, AND EXPLOITATION;

10 9. EVERY PATIENT'S CIVIL AND RELIGIOUS LIBERTIES, INCLUDING THE RIGHT
11 TO INDEPENDENT PERSONAL DECISIONS AND KNOWLEDGE OF AVAILABLE CHOICES,
12 SHALL NOT BE INFRINGED AND FACILITY OR PROGRAM STAFF SHALL ENCOURAGE AND
13 ASSIST IN THE FULLEST EXERCISE OF THESE RIGHTS; AND

14 10. EVERY PATIENT SHALL BE FREE TO REPORT GRIEVANCES REGARDING
15 SERVICES OR STAFF TO A SUPERVISOR, DIRECTOR, THE BOARD OF VISITORS, OR
16 THE COMMISSIONER.

17 (D) EVERY CHEMICAL DEPENDENCE PROGRAM, SERVICE, OR FACILITY SHALL GIVE
18 A COPY OF THE CHEMICAL DEPENDENCE TREATMENT BILL OF RIGHTS TO EACH
19 PATIENT AT OR PRIOR TO THE TIME OF ADMISSION, OR TO THE APPOINTED REPRE-
20 SENTATIVE AT THE TIME OF APPOINTMENT AND TO EACH MEMBER OF THE STAFF AT
21 THE PROGRAM, SERVICE, OR FACILITY.

22 S 2. This act shall take effect on the one hundred eightieth day after
23 it shall have become a law; provided, however, that effective immediate-
24 ly, the addition, amendment and/or repeal of any rule or regulation
25 necessary for the implementation of this act on its effective date are
26 authorized and directed to be made and completed on or before such
27 effective date.