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

2104

2011-2012 Regular Sessions

I N  S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the New York city health and hospitals corporation act, in relation to the creation of a corporation incident reporting system

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

Section 1. Legislative findings. In New York city, the number of individuals with psychiatric disabilities, and/or alcohol or substance abuse problems has rapidly increased in the last several years. Police officers and peace officers alike encounter these individuals on a daily basis. In 1988, the New York city police department began implementation of what has been widely recognized as the Police Mental Health Training Project. This project was designed to instruct officers in how to properly respond to the mentally incompetent. While this project has proven an effective tool for police officers, peace officers assigned to health care facilities where a vast majority of individuals with psychiatric disabilities and/or those exhibiting signs of alcohol or substance abuse are found, are not receiving the same training and in fact are experiencing great difficulties in their attempts to effectively respond to these individuals. Therefore, the purpose of this legislation is to create a corporation incident reporting system to track and maintain a record of all incidents that occur within corporation facilities.

The statistics gathered as a result of this legislation will allow the corporation to better assess the training needs of security officers serving each of the corporation's facilities, particularly the need for training in how to effectively respond to alcohol and substance abusers as well as to individuals who are psychiatrically impaired.

S 2. Section 1 of chapter 1016 of the laws of 1969, constituting the New York city health and hospitals corporation act, is amended by adding a new section 6-a 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 6-A. RELATIONSHIP WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES. 1. A UNIFORM CORPORATION INCIDENT REPORTING SYSTEM SHALL BE ESTABLISHED WITHIN EACH FACILITY OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION. THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL OFFER TECHNICAL ADVICE AND ASSISTANCE ON THE CREATION AND IMPLEMENTATION OF SUCH SYSTEM AS NEEDED AND REQUESTED BY THE CORPORATION.

2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS, SUBJECT TO SUCH LIMITATION AS THE CORPORATION'S BOARD MAY ADOPT:

(A) "CORPORATION" SHALL MEAN THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

(B) "DIVISION" SHALL MEAN THE DIVISION OF CRIMINAL JUSTICE SERVICES, OR ANY NOT-FOR-PROFIT ORGANIZATION SATISFYING A CONTRACTUAL OBLIGATION WITH THE DIVISION.

(C) "INCIDENT" SHALL MEAN THE OCCURRENCE WITHIN A CORPORATION FACILITY OF A VERBAL OR PHYSICAL DISTURBANCE, INVOLVING AN OFFENDER OR OTHER PERSON WHICH IS DISRUPTIVE AND INHIBITS OR PREVENTS ANY EMPLOYEE, PATIENT, VISITOR OR OTHER PERSON THEREOF FROM CONDUCTING HIS/HER DUTIES OR BUSINESS, OR RESULTS IN AN ARREST.

(D) "HIGH RISK INCIDENT" SHALL MEAN AN INCIDENT IN WHICH THE OFFICER IS CONFRONTED WITH ABERRANT BEHAVIOR BY AN OFFENDER OR OTHER PERSON WHICH POSES AN IMMEDIATE DANGER TO THE OFFICER, THE OFFENDER OR PERSON CAUSING THE INCIDENT, PATIENT, VISITOR OR OTHERS.

(E) "LOW RISK INCIDENT" SHALL MEAN AN INCIDENT IN WHICH THE OFFICER IS CONFRONTED WITH ABERRANT BEHAVIOR BY AN OFFENDER OR OTHER PERSON WHICH IS DISRUPTIVE, BUT DOES NOT POSE AN IMMEDIATE DANGER TO THE OFFICER, THE OFFENDER OR PERSON CAUSING THE INCIDENT, PATIENT, VISITOR OR OTHERS.

(F) "OFFENDER" SHALL MEAN THE PERSON RESPONSIBLE, IN WHOLE OR IN PART, FOR THE OCCURRENCE OF AN INCIDENT. THE INCIDENT MAY OR MAY NOT BE DEEMED A CRIMINAL INCIDENT. AN OFFENDER MAY, OR MAY NOT BE AN INDIVIDUAL WITH A PSYCHIATRIC DISABILITY, AN INDIVIDUAL EXHIBITING SIGNS OF ALCOHOL OR SUBSTANCE ABUSE, OR AN INDIVIDUAL AFFECTED BY A TRANSITORY MENTAL DISABILITY.

(G) "CORPORATION FACILITY" SHALL MEAN THE WHOLE OF A HOSPITAL BUILDING AND ANY FIXTURES, APPURTENANCES OR IMPROVEMENTS THEREON AND ANY RIGHT, TITLE OR INTEREST IN WHOLE OR IN PART TO ANY LOT OR TRACT OF LAND OPERATED AND UTILIZED BY THE CORPORATION, AND OWNED BY THE CITY OF NEW YORK.

3. (A) NOT LATER THAN NINETY DAYS FOLLOWING THE DATE THIS SECTION SHALL HAVE BECOME A LAW, THE CORPORATION IN CONSULTATION WITH THE DIVISION SHALL IMPLEMENT AND MAINTAIN A UNIFORM SYSTEM OF TRACKING AND RECORDING ALL INCIDENTS THAT OCCUR WITHIN CORPORATION FACILITIES. SUCH SYSTEM SHALL BE KNOWN AND REFERRED TO AS THE CORPORATION INCIDENT REPORTING SYSTEM. EACH OFFICER SHALL BE RESPONSIBLE FOR COMPLETING A REPORT TO BE SUBMITTED TO HIS OR HER SUPERVISOR WITHIN TWENTY-FOUR HOURS OF THE CONCLUSION OF THE OFFICER'S TOUR OF DUTY DETAILING ANY INCIDENTS WHICH OCCURRED DURING SAID OFFICER'S TOUR OF DUTY.

(B) THE REPORT SHALL INCLUDE BUT NOT BE LIMITED TO: THE NATURE AND DESCRIPTION OF THE INCIDENT INCLUDING ITS DESIGNATION AS EITHER HIGH RISK OR LOW RISK; WHETHER THE INCIDENT WAS DETERMINED BY ON-SITE HEALTH PERSONNEL TO BE MEDICALLY OR PSYCHOLOGICALLY RELATED TO SUBSTANCE ABUSE; THE NAME OR IDENTIFICATION NUMBER OF THE OFFICER INVOLVED; THE NAME OR IDENTIFICATION NUMBER OF THE OFFENDER; THE LOCATION OF THE INCIDENT; THE TOTAL NUMBER OF PERSONS INVOLVED IN THE INCIDENT, INCLUDING A DESIGNATION OF WHETHER THEY WERE HOSPITAL PERSONNEL, PATIENTS, VISITORS, OR OTHERS; A DESCRIPTION OF ANY INJURIES SUSTAINED OR PROPERTY DAMAGE

RESULTING FROM THE INCIDENT; AND THE DISPOSITION OF THE INCIDENT, INCLUDING AN EXPLANATION OF HOW IT WAS HANDLED AND RESOLVED, WHETHER BY ARREST OR OTHERWISE. WHERE AN ARREST WAS MADE, THE OFFENSE CHARGED SHOULD BE SO NOTED IN THE OFFICER'S REPORT.

(C) THE CORPORATION SHALL TRANSMIT, ON A QUARTERLY BASIS DURING THE FIRST FIVE YEARS FOLLOWING THE DATE THIS SECTION SHALL HAVE BECOME A LAW, AND ON AN ANNUAL BASIS THEREAFTER, A REPORT INCLUDING ALL INFORMATION GATHERED PURSUANT TO PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES. THE CORPORATION SHALL, HOWEVER, BE CHARGED WITH MAINTAINING CONFIDENTIALITY AND AS SUCH, ALL STATISTICAL INFORMATION INCLUDED IN THE QUARTERLY REPORTS SHALL NOT IDENTIFY AN OFFENDER OR ANY OTHER PERSON INVOLVED IN AN INCIDENT BY NAME OR OTHER FACTOR WHICH WOULD REVEAL THE IDENTITY OF THE INDIVIDUAL.

S 3. This act shall take effect immediately.