

3423

2011-2012 Regular Sessions

I N S E N A T E

February 22, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to providing a mental hygiene legal service to certain patients or residents of residential healthcare facilities

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

1 Section 1. Subdivision (a) of section 47.01 of the mental hygiene law,
2 as amended by chapter 7 of the laws of 2007, is amended to read as
3 follows:
4 (a) There shall be a mental hygiene legal service of the state in each
5 judicial department. The service shall provide legal assistance to
6 patients or residents of a facility as defined in section 1.03 of this
7 chapter, PATIENTS OR RESIDENTS OF RESIDENTIAL HEALTHCARE FACILITIES
8 INCLUDING NURSING HOMES LICENSED AND OPERATING PURSUANT TO ARTICLE TWEN-
9 TY-EIGHT OF THE PUBLIC HEALTH LAW WHO HAVE BEEN ADMITTED DIRECTLY FROM A
10 FACILITY AS DEFINED IN SECTION 1.03 OF THIS CHAPTER AND WHO HAVE A SERI-
11 OUS MENTAL ILLNESS AS DEFINED IN SECTION 1.03 OF THIS CHAPTER AND ARE
12 RECEIVING SERVICES RELATED TO SUCH ILLNESS, or any other place or facil-
13 ity which is required to have an operating certificate pursuant to arti-
14 cle sixteen or thirty-one of this chapter, and to persons alleged to be
15 in need of care and treatment in such facilities or places, and to
16 persons entitled to such legal assistance as provided by article ten of
17 this chapter. The head of such service in each judicial department and
18 such assistants and such staff as may be necessary shall be appointed
19 and may be removed by the presiding justice of the appellate division of
20 the judicial department. Appointments and transfers to the service
21 shall comply with the provisions of the civil service law. Standards for
22 qualifications of the personnel in the service shall be established by
23 the presiding justice of the appellate division of the judicial depart-

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

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1 ment. The presiding justice of the appellate division of the judicial
2 department shall promulgate such rules or regulations as may be neces-
3 sary to effectuate the purposes of this article.
4 S 2. This act shall take effect immediately.