

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

3423--A

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 -- reported favorably from said committee and committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 *LICENSED AND OPERATING PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC*
9 *HEALTH LAW WHO HAVE BEEN ADMITTED DIRECTLY FROM A FACILITY AS DEFINED IN*
10 *SECTION 1.03 OF THIS CHAPTER AND WHO HAVE A SERIOUS MENTAL ILLNESS AS*
11 *DEFINED IN SECTION 1.03 OF THIS CHAPTER AND ARE RECEIVING SERVICES*
12 *RELATED TO SUCH ILLNESS, or any other place or facility which is*
13 *required to have an operating certificate pursuant to article sixteen or*
14 *thirty-one of this chapter, and to persons alleged to be in need of care*
15 *and treatment in such facilities or places, and to persons entitled to*
16 *such legal assistance as provided by article ten of this chapter. The*
17 *head of such service in each judicial department and such assistants and*
18 *such staff as may be necessary shall be appointed and may be removed by*
19 *the presiding justice of the appellate division of the judicial depart-*
20 *ment. Appointments and transfers to the service shall comply with the*

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

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1 provisions of the civil service law. Standards for qualifications of the
2 personnel in the service shall be established by the presiding justice
3 of the appellate division of the judicial department. The presiding
4 justice of the appellate division of the judicial department shall
5 promulgate such rules or regulations as may be necessary to effectuate
6 the purposes of this article.

7 S 2. This act shall take effect immediately.