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

5678

2011-2012 Regular Sessions

I N S E N A T E

June 10, 2011

Introduced by Sen. LANZA -- 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 prohibiting co-mingling of adolescent and adult patients in certain hospitals licensed by the office of mental health; and to amend a chapter of the laws of 2011, amending the mental hygiene law relating to prohibiting co-mingling of adolescent and adult patients in residential facilities, as proposed in legislative bills numbers S.3745 and A.4731, in relation to the effectiveness thereof; and to repeal subdivision (k) of section 7.09 of the mental hygiene law relating thereto

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

Section 1. Subdivision (k) of section 7.09 of the mental hygiene law, as added by a chapter of the laws of 2011, amending the mental hygiene law relating to prohibiting co-mingling of adolescent and adult patients in residential facilities, as proposed in legislative bills numbers S.3745 and A.4731, is REPEALED.

S 2. Section 2 of a chapter of the laws of 2011, amending the mental hygiene law relating to prohibiting co-mingling of adolescent and adult patients in residential facilities, as proposed in legislative bills numbers S.3745 and A.4731, is amended to read as follows:

S 2. This act shall take effect immediately[; provided, that any rules and regulations necessary to implement the provisions of section one of this act shall be promulgated within one hundred twenty days after this act shall take effect and, provided further that 30 days prior to such promulgation, the commissioner of mental health shall submit the required rules and regulations to the governor, the temporary president of the senate and the speaker of the assembly for their review].

S 3. Section 31.04 of the mental hygiene law is amended by adding a new subdivision (e) to read as follows:

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

LBD13043-01-1

(E) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS PROHIBITING THE CO-MINGLING OF CHILDREN AND ADOLESCENT PATIENTS WITH ADULT PATIENTS, IN HOSPITALS LICENSED BY THE OFFICE. SUCH RULES AND REGULATIONS SHALL PROVIDE THAT CHILDREN AND ADOLESCENTS SHALL NOT BE CO-MINGLED WITH ADULTS IN RESIDENTIAL AREAS OF SUCH HOSPITALS, NOR SHALL CHILDREN AND ADOLESCENTS RECEIVE SERVICES IN GROUPS WHICH INCLUDE ADULTS. IN EXTRAORDINARY CIRCUMSTANCES, SUCH CO-MINGLING MAY BE PERMITTED UPON WRITTEN APPROVAL OF THE OFFICE, CONSIDERING THE CLINICAL NEEDS OF PATIENTS, AS WELL AS APPLICABLE HEALTH AND SAFETY CONCERNS. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO RESIDENTIAL TREATMENT FACILITIES FOR CHILDREN AND YOUTH.

S 4. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date as a chapter of the laws of 2011, amending the mental hygiene law relating to prohibiting co-mingling of adolescent and adult patients in residential facilities, as proposed in legislative bills numbers S.3745 and A.4731, takes effect; and provided further, however, that if a chapter of the laws of 2011, amending the mental hygiene law relating to prohibiting co-mingling of adolescent and adult patients in residential facilities, as proposed in legislative bills numbers S.3745 and A.4731, shall not have taken effect on or before such date then section two of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011 takes effect.