

5871

2011-2012 Regular Sessions

I N S E N A T E

August 17, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to requiring the service providers to provide notice to local law enforcement agencies of the presence of violent mentally disabled residents in community residences and supportive living facilities

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 31.37 to read as follows:
3 S 31.37 COMMUNITY RESIDENCES AND SUPPORTIVE LIVING FACILITIES; NOTICE OF
4 VIOLENT RESIDENTS.
5 (A) FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
6 THE FOLLOWING MEANINGS:
7 1. "COMMUNITY RESIDENCE" SHALL HAVE THE SAME MEANING AS PROVIDED IN
8 SUBDIVISION TWENTY-EIGHT OF SECTION 1.03 OF THIS CHAPTER, AND SHALL ALSO
9 MEAN ANY RESIDENTIAL BUILDING THAT CONTAINS FIFTEEN OR MORE RESIDENTIAL
10 UNITS, IN WHICH SUCH BUILDING A PROVIDER OF COMMUNITY SERVICES OR A
11 NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZATION HAS PLACED PERSONS WHO
12 SUFFER FROM A MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY. PROVIDED,
13 FURTHER, THAT SUCH RESIDENTIAL BUILDING SHALL BE CONSIDERED A COMMUNITY
14 RESIDENCE ONLY IF MORE THAN TWENTY PERCENT OF THE RENTAL UNITS OF THE
15 RESIDENTIAL BUILDING ARE LEASED TO PERSONS WHO SUFFER FROM A MENTAL
16 ILLNESS OR A DEVELOPMENTAL DISABILITY WITH THE ASSISTANCE OF A PROVIDER
17 OF COMMUNITY SERVICES OR A NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZA-
18 TION, AND/OR ARE LEASED TO PROVIDERS OF COMMUNITY SERVICES OR
19 NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZATIONS THAT LEASE RESIDENTIAL
20 UNITS ON BEHALF OF PERSONS WHO SUFFER FROM A MENTAL ILLNESS OR A DEVEL-
21 OPMENTAL DISABILITY.
22 2. "MENTAL HEALTH CARE PROFESSIONAL" MEANS A PHYSICIAN LICENSED
23 PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW WHO IS

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

LBD11588-03-1

1 CERTIFIED TO PRACTICE PSYCHIATRY, OR A PSYCHOLOGIST LICENSED PURSUANT TO
2 ARTICLE ONE HUNDRED FIFTY-THREE OF THE EDUCATION LAW, AND SUCH PROFES-
3 SIONAL SHALL PROVIDE NOTICE OF EACH PERSON WHO HAS BEEN CERTIFIED AS A
4 VIOLENT RESIDENT TO EACH PROVIDER OF COMMUNITY SERVICES OR NOT-FOR-PRO-
5 FIT COMMUNITY SERVICE ORGANIZATION PROVIDING SERVICES TO SUCH PERSON.

6 3. "PROVIDER OF COMMUNITY SERVICES OR A NOT-FOR-PROFIT COMMUNITY
7 SERVICE ORGANIZATION" MEANS ANY PERSON OR ENTITY PROVIDING CLINICAL,
8 SOCIAL, REHABILITATIVE OR OTHER SERVICES, PROGRAMS AND RELATED ADMINIS-
9 TRATIVE ACTIVITIES DESIGNED TO ENHANCE THE COMMUNITY LIVING SKILLS AND
10 PREVENT UNNECESSARY HOSPITALIZATION OF MENTALLY ILL OR DEVELOPMENTALLY
11 DISABLED PERSONS.

12 4. "SUPPORTIVE LIVING FACILITY" MEANS A COMMUNITY RESIDENCE, AS
13 DEFINED IN SUBDIVISION ONE OF THIS SECTION, PROVIDING PRACTICE IN INDE-
14 PENDENT LIVING UNDER SUPERVISION, BUT NOT PROVIDING STAFF ON-SITE ON A
15 TWENTY-FOUR HOUR PER DAY BASIS.

16 5. "VIOLENT RESIDENT" MEANS A RESIDENT OF A COMMUNITY RESIDENCE OR
17 SUPPORTIVE LIVING FACILITY, WHO SUFFERS FROM A MENTAL ILLNESS OR A
18 DEVELOPMENTAL DISABILITY, AND WHO HAS BEEN CERTIFIED BY A MENTAL HEALTH
19 CARE PROFESSIONAL AS LIKELY TO CAUSE PHYSICAL HARM TO OTHER PERSONS, OR
20 AS LIKELY TO CAUSE SUCH HARM TO OTHER PERSONS IF HE OR SHE CEASES TO
21 UNDERGO NECESSARY TREATMENTS OR THERAPIES.

22 (B) UPON ADMITTANCE OF A VIOLENT RESIDENT TO A COMMUNITY RESIDENCE OR
23 SUPPORTIVE LIVING FACILITY, THE PROVIDER OF COMMUNITY SERVICES OR
24 NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZATION THAT PLACED SUCH RESIDENT
25 SHALL PROVIDE WRITTEN NOTICE OF SUCH PLACEMENT OF A VIOLENT RESIDENT TO
26 THE LOCAL LAW ENFORCEMENT AGENCIES HAVING JURISDICTION.

27 (C) ON OR BEFORE NOVEMBER FIRST EACH YEAR, EACH PROVIDER OF COMMUNITY
28 SERVICES AND NOT-FOR-PROFIT COMMUNITY SERVICE ORGANIZATION WHICH HAS
29 PLACED A VIOLENT RESIDENT IN A COMMUNITY RESIDENCE OR SUPPORTIVE LIVING
30 FACILITY SHALL PROVIDE WRITTEN NOTICE OF ALL SUCH RESIDENTS TO THE LOCAL
31 LAW ENFORCEMENT AGENCIES HAVING JURISDICTION OVER SUCH RESIDENCES AND
32 FACILITIES.

33 (D) THE OFFICES OF MENTAL HEALTH AND THE OFFICE FOR PEOPLE WITH DEVEL-
34 OPMENTAL DISABILITIES SHALL JOINTLY PROMULGATE AND ENFORCE SUCH RULES
35 AND REGULATIONS AS SHALL BE NECESSARY TO IMPLEMENT THE PROVISIONS OF
36 THIS SECTION.

37 S 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law; provided that, effective immediately, any
39 rules and regulations necessary to implement the provisions of this act
40 on its effective date are authorized and directed to be completed on or
41 before such date.