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

7066--A

I N S E N A T E

April 26, 2012

Introduced by Sen. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to mental health and chemical dependence outpatient treatment of sex offenders

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

Section 1. The mental hygiene law is amended by adding a new section 7.45 to read as follows:

S 7.45 SEX OFFENDERS; OUTPATIENT GROUP SETTING.

THE COMMISSIONER SHALL DEVELOP GUIDELINES AND PROCEDURES REGARDING SEX OFFENDERS, AS DEFINED IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, AND DETAINED SEX OFFENDERS, AS DEFINED IN SECTION 10.03 OF THIS TITLE, RECEIVING SERVICES IN AN OUTPATIENT GROUP SETTING. SUCH GUIDELINES AND PROCEDURES SHALL OUTLINE BEST PRACTICES TO ENSURE A PROTECTED, SAFE AND CLINICALLY SOUND TREATMENT ENVIRONMENT FOR ALL PATIENTS AND SHALL, TO THE GREATEST EXTENT POSSIBLE, BE BASED ON EVIDENCE-BASED CLINICAL TREATMENT STANDARDS REGARDING THE SEGREGATION OF SEX OFFENDERS FROM THE GENERAL PATIENT POPULATION. IN DEVELOPING SUCH GUIDELINES AND PROCEDURES, THE COMMISSIONER SHALL CONSULT WITH A PANEL OF STAKEHOLDERS WHO SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRESENTATIVES OF CONSUMER ADVOCATES, PROVIDERS AND VICTIM RIGHTS GROUPS. SUCH PANEL SHALL CONSIST OF NINE MEMBERS, OF WHOM: FIVE SHALL BE APPOINTED BY THE GOVERNOR, TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

S 2. The mental hygiene law is amended by adding a new section 19.43 to read as follows:

S 19.43 SEX OFFENDERS; OUTPATIENT GROUP SETTING.

THE COMMISSIONER SHALL DEVELOP GUIDELINES AND PROCEDURES REGARDING SEX OFFENDERS, AS DEFINED IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, AND DETAINED SEX OFFENDERS, AS DEFINED IN SECTION 10.03 OF THIS CHAPTER, RECEIVING SERVICES IN AN OUTPATIENT GROUP SETTING. SUCH GUIDELINES AND PROCEDURES SHALL OUTLINE BEST PRACTICES TO ENSURE A

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

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PROTECTED, SAFE AND CLINICALLY SOUND TREATMENT ENVIRONMENT FOR ALL PATIENTS AND SHALL, TO THE GREATEST EXTENT POSSIBLE, BE BASED ON EVIDENCE-BASED CLINICAL TREATMENT STANDARDS REGARDING THE SEGREGATION OF SEX OFFENDERS FROM THE GENERAL PATIENT POPULATION. IN DEVELOPING SUCH GUIDELINES AND PROCEDURES, THE COMMISSIONER SHALL CONSULT WITH A PANEL OF STAKEHOLDERS WHO SHALL INCLUDE, BUT NOT BE LIMITED TO, REPRESENTATIVES OF CONSUMER ADVOCATES, PROVIDERS AND VICTIM RIGHTS GROUPS. SUCH PANEL SHALL CONSIST OF NINE MEMBERS, OF WHOM: FIVE SHALL BE APPOINTED BY THE GOVERNOR, TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY.

S 3. This act shall take effect immediately.