

2632

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. McDONOUGH, RAIA, McKEVITT, SALADINO -- Multi-Sponsored by -- M. of A. CROUCH, FINCH, HAWLEY, PALMESANO, TITONE -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the mental hygiene law, in relation to requiring providers of non-emergency, clinical outpatient treatment to check whether patients are sex offenders and to segregate sex offender patients from other patients

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

1 Section 1. The public health law is amended by adding a new section 23
2 to read as follows:
3 S 23. REQUIREMENT TO CHECK SEX OFFENDER REGISTRY; CONTINUING CLINICAL
4 OUTPATIENT TREATMENT. 1. EVERY PERSON AND ENTITY WHICH PROVIDES A
5 NON-EMERGENCY, CLINICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT,
6 WHICH REQUIRES THREE OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL
7 REQUIRE EACH SUCH PATIENT TO PROVIDE HIS OR HER ADDRESS AND DATE OF
8 BIRTH, AND INQUIRE WHETHER SUCH PATIENT IS A SEX OFFENDER, AS DEFINED BY
9 SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION
10 LAW. IN ADDITION, SUCH PERSON OR ENTITY SHALL CALL THE SPECIAL TELE-
11 PHONE NUMBER OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES
12 PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO
13 DETERMINE WHETHER EACH SUCH PATIENT IS A SEX OFFENDER.
14 2. EVERY PERSON AND ENTITY WHICH PROVIDES A NON-EMERGENCY, CLINICAL
15 OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE OR
16 MORE VISITS DURING ANY CALENDAR YEAR, SHALL SCHEDULE AND TREAT PATIENTS
17 WHO ARE SEX OFFENDERS DURING AND AT SUCH TIMES AS NO PATIENTS WHO ARE
18 NOT SEX OFFENDERS ARE WITHIN ANY PORTION OF THE FACILITY IN WHICH TREAT-
19 MENT IS PROVIDED.
20 S 2. The mental hygiene law is amended by adding a new section 33.27
21 to read as follows:

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

LBD02106-01-3

1 S 33.27 REQUIREMENT TO CHECK SEX OFFENDER REGISTRY; CONTINUING CLINICAL
2 OUTPATIENT TREATMENT.

3 (A) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF
4 THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLIN-
5 ICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE
6 OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL REQUIRE EACH SUCH PATIENT
7 TO PROVIDE HIS OR HER ADDRESS AND DATE OF BIRTH, AND INQUIRE WHETHER
8 SUCH PATIENT IS A SEX OFFENDER, AS DEFINED BY SUBDIVISION ONE OF SECTION
9 ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW. IN ADDITION, SUCH
10 FACILITY OR PROGRAM SHALL CALL THE SPECIAL TELEPHONE NUMBER, OPERATED BY
11 THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO SECTION ONE
12 HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER EACH
13 SUCH PATIENT IS A SEX OFFENDER.

14 (B) EVERY FACILITY AND PROGRAM OPERATED OR CERTIFIED BY ANY OFFICE OF
15 THE DEPARTMENT OF MENTAL HYGIENE, WHICH PROVIDES A NON-EMERGENCY, CLIN-
16 ICAL OUTPATIENT COURSE OF TREATMENT TO A PATIENT, WHICH REQUIRES THREE
17 OR MORE VISITS DURING ANY CALENDAR YEAR, SHALL SCHEDULE AND TREAT
18 PATIENTS WHO ARE SEX OFFENDERS DURING AND AT SUCH TIMES AS NO PATIENTS
19 WHO ARE NOT SEX OFFENDERS ARE WITHIN ANY PORTION OF THE FACILITY OR
20 PROGRAM IN WHICH TREATMENT IS PROVIDED.

21 S 3. This act shall take effect on the thirtieth day after it shall
22 have become a law.