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

6992

2013-2014 Regular Sessions

I N A S S E M B L Y

April 29, 2013

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to increasing the number of visits with no prior notice that can be made to a facility per year

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

Section 1. Subdivision (a) of section 16.11 of the mental hygiene law, as amended by chapter 214 of the laws of 1993, is amended to read as follows:

(a) The commissioner shall provide for the periodic visitation and inspection of each facility. Inspections shall be made as frequently as the commissioner may deem necessary but in any event such inspections shall be made on at least two occasions during each calendar year[, at least one of] which shall be without prior notice, provided, however, that where, in the discretion of the commissioner, an operating certificate has been issued to a program with a history of compliance and a record of providing a high quality of care, the periodic inspection and visitation required by this subdivision shall be made at least once during each calendar year provided such visit shall be without prior notice, PROVIDED, HOWEVER, THAT THE COMMISSIONER PROVIDE NOTICE TO MEMBERS OF THE APPLICABLE BOARD OF VISITORS. ANY MEMBER OR MEMBERS OF A BOARD OF VISITORS, APPOINTED PURSUANT TO SECTION 13.33 OF THIS TITLE, AND ANY OTHER INDIVIDUAL OR INDIVIDUALS THE COMMISSIONER AT HIS OR HER DISCRETION APPROVES, MAY ACCOMPANY INSPECTORS DURING THE STATE'S PERIODIC VISITATIONS AND INSPECTIONS CONDUCTED PURSUANT TO THIS SECTION AS INDEPENDENT MONITORS.

S 2. This act shall take effect immediately.

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

LBD10583-02-3