

3280--A

Cal. No. 434

2013-2014 Regular Sessions

I N S E N A T E

January 31, 2013

Introduced by Sens. CARLUCCI, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to authorizing nurse practitioners to admit a patient to an inpatient mental health unit on a voluntary basis

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

1 Section 1. Section 9.01 of the mental hygiene law is amended by adding
2 a new ninth undesignated paragraph to read as follows:
3 "QUALIFIED NURSE PRACTITIONER" MEANS AN INDIVIDUAL LICENSED PURSUANT
4 TO ARTICLE ONE HUNDRED THIRTY-NINE OF THE EDUCATION LAW AND CERTIFIED AS
5 A NURSE PRACTITIONER PURSUANT TO SECTION SIXTY-NINE HUNDRED TWO OF THE
6 EDUCATION LAW WITH A CERTIFICATE IN THE SPECIALTY OF PSYCHIATRY.
7 S 2. Subdivision (a) of section 9.13 of the mental hygiene law, as
8 amended by chapter 465 of the laws of 1992, is amended to read as
9 follows:
10 (a) The director of any hospital may receive as a voluntary patient
11 any suitable person in need of care and treatment, who voluntarily makes
12 written application therefor. TO THE EXTENT THAT SUCH WRITTEN APPLICA-
13 TION REQUIRES AN EXAMINATION OF THE PATIENT AND CONFIRMATION THAT THE
14 PATIENT HAS A MENTAL ILLNESS FOR WHICH CARE AND TREATMENT IN A MENTAL
15 HOSPITAL IS APPROPRIATE, SUCH EVALUATION AND CONFIRMATION SHALL BE MADE
16 BY EITHER A PHYSICIAN OR A QUALIFIED NURSE PRACTITIONER. If the person
17 is under sixteen years of age, the person may be received as a voluntary
18 patient only on the application of the parent, legal guardian, or next-
19 of-kin of such person, or, subject to the terms of any court order or
20 any instrument executed pursuant to section three hundred eighty-four-a

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

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1 of the social services law, a social services official or authorized
2 agency with care and custody of such person pursuant to the social
3 services law, the director of the division for youth, acting in accord-
4 ance with section five hundred nine of the executive law, or a person or
5 entity having custody of the person pursuant to an order issued pursuant
6 to section seven hundred fifty-six or one thousand fifty-five of the
7 family court act. If the person is over sixteen and under eighteen years
8 of age, the director may, in his discretion, admit such person either as
9 a voluntary patient on his own application or on the application of the
10 person's parent, legal guardian, next-of-kin, or, subject to the terms
11 of any court order or any instrument executed pursuant to section three
12 hundred eighty-four-a of the social services law, a social services
13 official or authorized agency with care and custody of such person
14 pursuant to the social services law, the director of the division for
15 youth, acting in accordance with section five hundred nine of the execu-
16 tive law, provided that such person knowingly and voluntarily consented
17 to such application in accordance with such section, or a person or
18 entity having custody of the person pursuant to an order issued pursuant
19 to section seven hundred fifty-six or one thousand fifty-five of the
20 family court act.

21 S 3. Section 9.15 of the mental hygiene law, as renumbered by chapter
22 978 of the laws of 1977, is amended to read as follows:

23 S 9.15 Informal admissions.

24 The director of any hospital approved by the commissioner for such
25 purpose may receive therein as an informal patient any suitable person
26 in need of care and treatment requesting admission thereto. Such person
27 may be admitted as a patient without making formal or written applica-
28 tion therefor and any such patient shall be free to leave such hospital
29 at any time after such admission. TO THE EXTENT THAT SUCH ADMISSION
30 REQUIRES AN EXAMINATION OF THE PATIENT AND CONFIRMATION THAT THE PATIENT
31 HAS A MENTAL ILLNESS FOR WHICH CARE AND TREATMENT IN A MENTAL HOSPITAL
32 IS APPROPRIATE, SUCH EVALUATION AND CONFIRMATION SHALL BE MADE BY EITHER
33 A PHYSICIAN OR A QUALIFIED NURSE PRACTITIONER.

34 S 4. This act shall take effect immediately.