

5453--A

Cal. No. 1137

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. CARLUCCI -- 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 report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the mental hygiene law, in relation to involuntary admittance

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

1     Section 1. Section 9.29 of the mental hygiene law is amended by adding  
2     a new subdivision (c) to read as follows:  
3     (C) WHEN THERE IS AN INVOLUNTARY ADMITTANCE TO AN IN-PATIENT FACILITY  
4     PURSUANT TO SECTION 9.27 OF THIS ARTICLE, THE PERSON'S OR THE PERSON'S  
5     GUARDIAN'S CHOICE OF FACILITY SHALL BE RESPECTED; PROVIDED, HOWEVER,  
6     SUCH CHOICE SHALL BE SUBJECT TO THE FACILITY'S ABILITY TO PROVIDE THE  
7     PERSON'S NECESSARY LEVEL OF CARE AND THE AVAILABILITY OF A BED WITHIN A  
8     REASONABLE TIME PERIOD, AND PROVIDED THAT HONORING SUCH CHOICE WOULD NOT  
9     JEOPARDIZE THE HEALTH AND SAFETY OF THE INDIVIDUAL IN THE EXAMINING  
10    PHYSICIAN'S PROFESSIONAL JUDGMENT.  
11    S 2. Section 9.39 of the mental hygiene law is amended by adding a new  
12    subdivision (d) to read as follows:  
13    (D) WHEN THERE IS AN INVOLUNTARY ADMITTANCE TO AN IN-PATIENT FACILITY  
14    PURSUANT TO SECTION 9.27 OF THIS ARTICLE, THE PERSON'S OR THE PERSON'S  
15    GUARDIAN'S CHOICE OF FACILITY SHALL BE RESPECTED; PROVIDED, HOWEVER,  
16    SUCH CHOICE SHALL BE SUBJECT TO THE FACILITY'S ABILITY TO PROVIDE THE  
17    PERSON'S NECESSARY LEVEL OF CARE AND THE AVAILABILITY OF A BED WITHIN A  
18    REASONABLE TIME PERIOD, AND PROVIDED THAT HONORING SUCH CHOICE WOULD NOT  
19    JEOPARDIZE THE HEALTH AND SAFETY OF THE INDIVIDUAL IN THE EXAMINING  
20    PHYSICIAN'S PROFESSIONAL JUDGMENT.

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

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1     S 3. This act shall take effect on the one hundred twentieth day after  
2     it shall have become a law; provided, however, that effective immediate-  
3     ly, the addition, amendment and/or repeal of any rule or regulation  
4     necessary for the implementation of this act on its effective date are  
5     authorized and directed to be made and completed on or before such  
6     effective date.