

190

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

---

Introduced by M. of A. CUSICK, TITONE, ABINANTI -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing a mental hygiene legal service to certain patients or residents of residential healthcare facilities

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

1     Section 1. Subdivision (a) of section 47.01 of the mental hygiene law,  
2     as amended by chapter 7 of the laws of 2007, is amended to read as  
3     follows:  
4     (a) There shall be a mental hygiene legal service of the state in each  
5     judicial department. The service shall provide legal assistance to  
6     patients or residents of a facility as defined in section 1.03 of this  
7     chapter, PATIENTS OR RESIDENTS OF RESIDENTIAL HEALTHCARE FACILITIES  
8     LICENSED AND OPERATING PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC  
9     HEALTH LAW WHO HAVE BEEN ADMITTED DIRECTLY FROM A FACILITY AS DEFINED IN  
10    SECTION 1.03 OF THIS CHAPTER AND WHO HAVE A SERIOUS MENTAL ILLNESS AS  
11    DEFINED IN SECTION 1.03 OF THIS CHAPTER AND ARE RECEIVING SERVICES  
12    RELATED TO SUCH ILLNESS, or any other place or facility which is  
13    required to have an operating certificate pursuant to article sixteen or  
14    thirty-one of this chapter, and to persons alleged to be in need of care  
15    and treatment in such facilities or places, and to persons entitled to  
16    such legal assistance as provided by article ten of this chapter. The  
17    head of such service in each judicial department and such assistants and  
18    such staff as may be necessary shall be appointed and may be removed by  
19    the presiding justice of the appellate division of the judicial depart-  
20    ment. Appointments and transfers to the service shall comply with the  
21    provisions of the civil service law. Standards for qualifications of the  
22    personnel in the service shall be established by the presiding justice  
23    of the appellate division of the judicial department. The presiding

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

LBD02945-01-3

1 justice of the appellate division of the judicial department shall  
2 promulgate such rules or regulations as may be necessary to effectuate  
3 the purposes of this article.  
4 S 2. This act shall take effect immediately.