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

5453--A

Cal. No. 1137

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

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:

Section 1. Section 9.29 of the mental hygiene law is amended by adding a new subdivision (c) to read as follows:

(C) WHEN THERE IS AN INVOLUNTARY ADMITTANCE TO AN IN-PATIENT FACILITY PURSUANT TO SECTION 9.27 OF THIS ARTICLE, THE PERSON'S OR THE PERSON'S GUARDIAN'S CHOICE OF FACILITY SHALL BE RESPECTED; PROVIDED, HOWEVER, SUCH CHOICE SHALL BE SUBJECT TO THE FACILITY'S ABILITY TO PROVIDE THE PERSON'S NECESSARY LEVEL OF CARE AND THE AVAILABILITY OF A BED WITHIN A REASONABLE TIME PERIOD, AND PROVIDED THAT HONORING SUCH CHOICE WOULD NOT JEOPARDIZE THE HEALTH AND SAFETY OF THE INDIVIDUAL IN THE EXAMINING PHYSICIAN'S PROFESSIONAL JUDGMENT.

S 2. Section 9.39 of the mental hygiene law is amended by adding a new subdivision (d) to read as follows:

(D) WHEN THERE IS AN INVOLUNTARY ADMITTANCE TO AN IN-PATIENT FACILITY PURSUANT TO SECTION 9.27 OF THIS ARTICLE, THE PERSON'S OR THE PERSON'S GUARDIAN'S CHOICE OF FACILITY SHALL BE RESPECTED; PROVIDED, HOWEVER, SUCH CHOICE SHALL BE SUBJECT TO THE FACILITY'S ABILITY TO PROVIDE THE PERSON'S NECESSARY LEVEL OF CARE AND THE AVAILABILITY OF A BED WITHIN A REASONABLE TIME PERIOD, AND PROVIDED THAT HONORING SUCH CHOICE WOULD NOT JEOPARDIZE THE HEALTH AND SAFETY OF THE INDIVIDUAL IN THE EXAMINING PHYSICIAN'S PROFESSIONAL JUDGMENT.

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

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