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

3645--A

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I N S E N A T E

February 13, 2015

Introduced by Sen. ORTT -- 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 duties of directors of facilities to assure protection of patients

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

Section 1. Subdivision (b) of section 33.03 of the mental hygiene law is amended by adding three new paragraphs 6, 7 and 8 to read as follows:

6. PROVIDING AN INDEPENDENT MEDICAL EXAMINATION AT A HOSPITAL, URGENT CARE OR SIMILAR INSTITUTION WITHIN NINETY-SIX HOURS WHEN: (I) EMERGENCY SERVICES OR LAW ENFORCEMENT ARE CALLED VIA THE 911 EMERGENCY TELEPHONE SYSTEM OR THE E911 SYSTEM TO RESPOND TO CIRCUMSTANCES THAT MAY CONSTITUTE A CRIMINAL OFFENSE OR AN IMMEDIATE THREAT TO A VULNERABLE PERSON'S HEALTH, SAFETY OR WELFARE; OR (II) AN ALLEGATION THAT COULD REASONABLY CONSTITUTE A REPORTABLE INCIDENT IS RECEIVED BY THE VULNERABLE PERSONS' CENTRAL REGISTER, AND TRANSMITTED TO THE DIRECTOR OR OPERATOR OF THAT FACILITY OR PROVIDER AGENCY THAT SUCH A VULNERABLE PERSON HAS BEEN THE VICTIM OF ABUSE OR NEGLECT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION FOUR HUNDRED NINETY-TWO OF THE SOCIAL SERVICES LAW.

7. IMMEDIATELY NOTIFYING THE PERSONAL REPRESENTATIVE, PARENT, SPOUSE, SIBLING OR GUARDIAN OF A VULNERABLE PERSON ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED, IN THE EVENT SUCH VULNERABLE PERSON HAS BEEN TAKEN TO A HOSPITAL, URGENT CARE OR SIMILAR INSTITUTION FOR AN INDEPENDENT MEDICAL EXAMINATION PURSUANT TO PARAGRAPH SIX OF THIS SUBDIVISION.

8. FOLLOWING AN INDEPENDENT MEDICAL EXAMINATION PURSUANT TO PARAGRAPH SIX OF THIS SUBDIVISION, NOTIFYING THE VULNERABLE PERSON, THE PERSONAL REPRESENTATIVE, PARENT, SPOUSE, SIBLING, GUARDIAN OR ANY OTHER QUALIFIED PERSON AS DEFINED BY PARAGRAPH SIX OF SUBDIVISION (A) OF SECTION 33.16

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

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OF THIS ARTICLE, OF HIS OR HER RIGHT TO ACCESS THE CLINICAL RECORDS ASSOCIATED WITH AN INDEPENDENT MEDICAL EXAMINATION PURSUANT TO THIS SECTION AND SECTION 33.16 OF THIS ARTICLE.

S 2. This act shall take effect immediately.