

# STATE OF NEW YORK

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5163

2017-2018 Regular Sessions

## IN SENATE

March 10, 2017

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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 § 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  
21 of the social services law, a social services official or authorized  
22 agency with care and custody of such person pursuant to the social  
23 services law, the director of the division for youth, acting in accord-

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

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

18   § 3. Section 9.15 of the mental hygiene law, as renumbered by chapter  
19   978 of the laws of 1977, is amended to read as follows:

20   § 9.15 Informal admissions.

21   The director of any hospital approved by the commissioner for such  
22   purpose may receive therein as an informal patient any suitable person  
23   in need of care and treatment requesting admission thereto. Such person  
24   may be admitted as a patient without making formal or written applica-  
25   tion therefor and any such patient shall be free to leave such hospital  
26   at any time after such admission. To the extent that such admission  
27   requires an examination of the patient and confirmation that the patient  
28   has a mental illness for which care and treatment in a mental hospital  
29   is appropriate, such evaluation and confirmation shall be made by either  
30   a physician or a qualified nurse practitioner.

31   § 4. This act shall take effect immediately.