

STATE OF NEW YORK

5389

2017-2018 Regular Sessions

IN SENATE

March 24, 2017

Introduced by Sen. YOUNG -- (at request of the Office of Mental Health)
-- 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 disclosure of
information necessary to file a petition for assisted outpatient
treatment; and to amend Kendra's Law, in relation to extending the
provisions thereof

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision (e) of section 9.60 of the mental hygiene law
2 is amended by adding a new paragraph 5 to read as follows:

3 (5) A director of community services or his or her designee may
4 require a provider of services operated or licensed by the office of
5 mental health to provide information, including but not limited to clin-
6 ical records and other information concerning persons under consider-
7 ation for assisted outpatient treatment, that is deemed necessary by
8 such director or designee to prepare and file a petition under this
9 section, and such provider is required to disclose such information.

10 § 2. Paragraph 4 of subdivision (c) of section 9.60 of the mental
11 hygiene law, as amended by chapter 158 of the laws of 2005, is amended
12 to read as follows:

13 (4) has a history of lack of compliance with treatment for mental
14 illness that has:

15 (i) except as otherwise provided in subparagraph (iii) of this para-
16 graph, prior to the filing of the petition, at least twice within the
17 last thirty-six months been a significant factor in necessitating hospi-
18 talization in a hospital, or receipt of services in a forensic or other
19 mental health unit of a correctional facility or a local correctional
20 facility, not including any current period, or period ending within the
21 last six months, during which the person was or is hospitalized or
22 incarcerated; or

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

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(ii) except as otherwise provided in subparagraph (iii) of this paragraph, prior to the filing of the petition, resulted in one or more acts of serious violent behavior toward self or others or threats of, or attempts at, serious physical harm to self or others within the last forty-eight months, not including any current period, or period ending within the last six months, in which the person was or is hospitalized or incarcerated; [~~and~~] or

(iii) notwithstanding subparagraphs (i) and (ii) of this paragraph, resulted in the issuance of an order for assisted outpatient treatment which has expired within the last six months, and since the expiration of the order, the person has experienced a substantial increase in symptoms of mental illness and a loss of function; and

§ 3. Section 18 of chapter 408 of the laws of 1999, constituting Kendra's Law, as amended by chapter 1 of the laws of 2013, is amended to read as follows:

§ 18. This act shall take effect immediately, provided that section fifteen of this act shall take effect April 1, 2000, provided, further, that subdivision (e) of section 9.60 of the mental hygiene law as added by section six of this act shall be effective 90 days after this act shall become law; and that this act shall expire and be deemed repealed June 30, [~~2017~~] 2022.

§ 4. This act shall take effect immediately; provided, however, that the amendments made to section 9.60 of the mental hygiene law, made by sections one and two of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.