STATE OF NEW YORK

3134

2017-2018 Regular Sessions

IN ASSEMBLY

January 26, 2017

Introduced by M. of A. GUNTHER, CAHILL, ZEBROWSKI, GOTTFRIED, SIMON, MOSLEY, TITONE, MONTESANO -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, DenDEKKER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to liability for the payment of fees for services rendered by the department of mental hygiene

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

Section 1. Section 43.03 of the mental hygiene law is amended by adding a new subdivision (e) to read as follows:

(e) Notwithstanding any other provision of this section, the commissioner shall not collect any fees for services from any monies paid to or to be paid to or on behalf of a patient, his estate or a representative of a patient or his estate, as a result of or in return for a release of liability or a court ordered settlement or judgment against the state arising from an act or omission of the state, the office or any employee or agent thereof, if such act or omission occurred during the course of confinement of or during the provision of care to such patient. Such monies shall not be offset or otherwise encumbered for the purpose of paying such fees.

§ 2. This act shall take effect immediately.

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

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