

STATE OF NEW YORK

7604

2017-2018 Regular Sessions

IN ASSEMBLY

May 3, 2017

Introduced by M. of A. GUNTHER -- (at request of the Office for People with Developmental Disabilities) -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to the definition of "in need of involuntary care and treatment" and to whom an application for such admission is made

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

1 Section 1. The third undesignated paragraph of section 15.01 of the
2 mental hygiene law, as renumbered by chapter 978 of the laws of 1977, is
3 amended to read as follows:

4 "in need of involuntary care and treatment" means that a person is in
5 need of in-patient care and treatment as a resident in a school, that
6 such care and treatment is essential to his or her welfare, and that his
7 or her judgment is so impaired that he or she is unable to understand
8 the need for such care and treatment and that he or she poses a real and
9 present risk of substantial physical harm to himself or herself or
10 others.

11 § 2. Subsection (a) of section 15.27 of the mental hygiene law, as
12 amended by chapter 37 of the laws of 2011, is amended to read as
13 follows:

14 (a) [~~The director of a school~~] The commissioner may receive and retain
15 [~~therein~~] in a school, as a resident any person alleged to have a devel-
16 opmental disability and be in need of involuntary care and treatment
17 upon the certificates of two examining physicians or of one examining
18 physician and one certified psychologist, accompanied by an application
19 for the admission of such person. The examination may be conducted
20 jointly but each examiner shall execute a separate certificate.

21 § 3. 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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