STATE OF NEW YORK

2942

2017-2018 Regular Sessions

IN SENATE

January 18, 2017

Introduced by Sens. HAMILTON, CARLUCCI, ORTT -- 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 involuntary admittance

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

Section 1. Section 9.27 of the mental hygiene law is amended by adding a new subdivision (j) to read as follows:

(j) When there is an initial involuntary admittance to an in-patient facility pursuant to this section, the person's or the person's guardian's choice of facility shall be respected; provided, however, such choice shall be subject to the facility's ability to provide the person's necessary level of care and the availability of a bed within a reasonable time period, and provided that honoring such choice would not jeopardize the health and safety of the individual in the examining physician's professional judgment taking into account mitigating factors including but not limited to the individual's anticipated duration of stay, and level of medical emergency.

§ 2. Section 9.39 of the mental hygiene law is amended by adding a new subdivision (d) to read as follows:

(d) When there is an initial involuntary admittance to an in-patient facility pursuant to section 9.27 of this article, the person's or the person's guardian's choice of facility shall be respected; provided, however, such choice shall be subject to the facility's ability to provide the person's necessary level of care and the availability of a bed within a reasonable time period, and provided that honoring such choice would not jeopardize the health and safety of the individual in the examining physician's professional judgment taking into account mitigating factors including but not limited to the individual's anticipated duration of stay, and level of medical emergency.

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

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§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.