

# STATE OF NEW YORK

4482

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

Introduced by M. of A. CUSICK, ABINANTI, M. G. MILLER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing a mental hygiene legal service to certain patients or residents of residential healthcare facilities

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

1 Section 1. Subdivision (a) of section 47.01 of the mental hygiene law,  
2 as amended by chapter 7 of the laws of 2007, is amended to read as  
3 follows:

4 (a) There shall be a mental hygiene legal service of the state in each  
5 judicial department. The service shall provide legal assistance to  
6 patients or residents of a facility as defined in section 1.03 of this  
7 chapter, patients or residents of residential healthcare facilities  
8 licensed and operating pursuant to article twenty-eight of the public  
9 health law who have been admitted directly from a facility as defined in  
10 section 1.03 of this chapter and who have a serious mental illness as  
11 defined in section 1.03 of this chapter and are receiving services  
12 related to such illness, or any other place or facility which is  
13 required to have an operating certificate pursuant to article sixteen or  
14 thirty-one of this chapter, and to persons alleged to be in need of care  
15 and treatment in such facilities or places, and to persons entitled to  
16 such legal assistance as provided by article ten of this chapter. The  
17 head of such service in each judicial department and such assistants and  
18 such staff as may be necessary shall be appointed and may be removed by  
19 the presiding justice of the appellate division of the judicial depart-  
20 ment. Appointments and transfers to the service shall comply with the  
21 provisions of the civil service law. Standards for qualifications of the  
22 personnel in the service shall be established by the presiding justice  
23 of the appellate division of the judicial department. The presiding  
24 justice of the appellate division of the judicial department shall  
25 promulgate such rules or regulations as may be necessary to effectuate  
26 the purposes of this article.

27 § 2. This act shall take effect immediately.

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

LBD00109-01-9