

STATE OF NEW YORK

4741--A

2019-2020 Regular Sessions

IN SENATE

March 22, 2019

Introduced by Sens. HARCKHAM, ORTT, KENNEDY, MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- reported favorably from said committee and committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to notice to certain persons of a patient treated in a chemical dependence program or facility

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

1 Section 1. This act shall be known and may be cited as "Stephen's
2 law".

3 § 2. The mental hygiene law is amended by adding a new section 22.09-a
4 to read as follows:

5 § 22.09-a Notice to certain persons of patients treated.

6 (a) When a patient who is currently being treated or has been treated
7 in the last seven days in a treatment program certified by the office
8 demonstrates behavior or conditions that the program believes may cause
9 life-threatening harm to such patient such as missing a scheduled
10 appointment or testing positive for a controlled substance, and when the
11 treatment program has on file a release of information permitting the
12 program to share specific information with specific parties pertaining
13 to the patient's behavior or conditions believed to be life-threatening,
14 the treatment program shall notify parties to whom the patient has
15 authorized consent for the release of confidential information with
16 details consistent with the release of information on file and consist-
17 ent with federal and state laws.

18 (b) The treatment program shall only be required to use contact infor-
19 mation as specified on the form authorizing consent for the release of
20 confidential information to contact those who are in a position to

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

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1 reduce the harm of a potential relapse. A party which does not list
2 contact information on such form waives its right to receive notice of
3 occurrences under this section.

4 (c) A treatment program shall not be required to contact more than
5 three parties for any single occurrence.

6 § 3. The office of alcoholism and substance abuse services shall
7 update the TRS-2 form (Consent for Release of Information Concerning
8 Alcoholism/Drug Abuse Patient) to include a space in which a signatory
9 may add immediate contact information for persons who are authorized to
10 receive medical information, including but not limited to a phone number
11 and/or an email address. The updated form shall be published no more
12 than ninety days after the effective date of this act.

13 § 4. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law.