STATE OF NEW YORK

2403

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. CROUCH, ASHBY, BRABENEC, HAWLEY, KOLB, LAWRENCE, MALLIOTAKIS, M. L. MILLER, NORRIS, PALMESANO, RA, WALSH -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to enacting the bill of rights of persons with developmental disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 33.01-a to read as follows:

§ 33.01-a Bill of rights for persons with developmental disabilities.

The rights of persons with developmental disabilities set forth in this section are declared the public policy of the state:

(a) The right to be treated at all times with courtesy and respect and with full recognition of their dignity and individuality;

(b) The right to an appropriate, safe, and sanitary living environment that complies with local, state, and federal standards and recognizes the persons' need for privacy and independence;

(c) The right to food adequate to meet accepted standards of nutrition;

(d) The right to practice the religion of their choice or to abstain from the practice of religion;

(e) The right of timely access to appropriate medical or dental treatment;

(f) The right of access to necessary ancillary services, including, but not limited to, occupational therapy, physical therapy, speech therapy, and behavior modification and other psychological services;

(g) The right to receive appropriate care and treatment in the least intrusive manner;

(h) The right to privacy, including both periods of privacy and places of privacy;

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

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(i) The right to communicate freely with persons of their choice in any reasonable manner they choose;

(j) The right to ownership and use of personal possessions so as to maintain individuality and personal dignity;

(k) The right of access to opportunities that enable individuals to develop their full human potential;

(l) The right to pursue vocational opportunities that will promote and enhance economic independence;

(m) The right to be treated equally as citizens under the law;

(n) The right to be free from emotional, psychological, and physical abuse;

(o) The right to participate in appropriate programs of education, training, social development, and habilitation and in programs of reasonable recreation;

(p) The right to participate in decisions that affect their lives including but not limited to housing choices and working environment;

(q) The right to select a parent or advocate to act on their behalf;

(r) The right to manage their personal financial affairs, based on individual ability to do so;

(s) The right to confidential treatment of all information in their personal and medical records, except to the extent that disclosure or release of records is permitted;

(t) The right to voice grievances and recommend changes in policies and services without restraint, interference, coercion, discrimination, or reprisal;

(u) The right to be free from unnecessary chemical or physical restraints;

(v) The right to participate in the political process; and

(w) The right to refuse to participate in medical, psychological, or other research or experiments.

§ 2. Nothing in this bill of rights and privileges shall limit any other right or privilege under law. If any residential facility or non-residential service provider fails to afford these rights and privileges, assistance may be sought from the facility, provider or the office for people with developmental disabilities.

§ 3. The commissioner of the office for people with developmental disabilities shall:

(a) Post a copy of the bill of rights on the office's website;

(b) Makes copies of the bill of rights in English, Arabic, French, Greek, Haitian/Creole, Hindi, Italian, Japanese, Korean, Polish, Spanish and any other language deemed necessary;

(c) Establish a public education program designed to disseminate information regarding implementation of this section;

(d) Include specific information detailing the effort of the commissioner of the office for people with developmental disabilities to effectuate this act in the statewide comprehensive plan required pursuant to section 5.07 of the mental hygiene law; and

(e) Adopt all rules and regulations necessary to effectuate this section.

§ 4. This act shall take effect immediately.