STATE OF NEW YORK

3814

2019-2020 Regular Sessions

IN ASSEMBLY

January 31, 2019

Introduced by M. of A. ORTIZ, ABINANTI, JAFFEE, LIFTON -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to increasing the frequency of visitation and inspection of facilities per year

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

Section 1. Paragraph 1 of subdivision (a) of section 16.11 of the mental hygiene law, as added by section 10 of part MM of chapter 58 of the laws of 2015, is amended to read as follows:

(1) The review of facilities issued an operating certificate pursuant to this article shall include periodic visitation and review of each facility. Reviews shall be made as frequently as the commissioner may deem necessary but in any event such inspections shall be made on at least [~~two~~] **three** occasions during each calendar year which shall be without prior notice, provided, however, that where, in the discretion of the commissioner, an operating certificate has been issued to a program with a history of compliance and a record of providing a high quality of care, the periodic inspection and visitation required by this subdivision shall be made at least [~~once~~] **twice** during each calendar year provided such [~~visit~~] **visits** shall be without prior notice**, provided, however, that the commissioner provide notice to members of the applicable board of visitors. Any member or members of a board of visitors, appointed pursuant to section 13.33 of this title, and any other individual or individuals the commissioner at his or her discretion approves, may accompany inspectors during the state's periodic visitations and inspections conducted pursuant to this section as independent monitors**. Areas of review shall include, but not be limited to, a review of a facility's: physical plant, fire safety procedures, health care, protective oversight, abuse and neglect prevention, and reporting procedures.

§ 2. 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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