

# STATE OF NEW YORK

4109--B

Cal. No. 114

2019-2020 Regular Sessions

## IN ASSEMBLY

February 1, 2019

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to the community guardianship program

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

1 Section 1. Paragraph (g) of subdivision 3 of section 473-d of the  
2 social services law, as added by chapter 846 of the laws of 1986 and  
3 such section as renumbered by chapter 395 of the laws of 1995, is  
4 amended to read as follows:

5 (g) the community guardian program shall obtain [~~annual assessments~~  
6 ~~from two qualified psychiatrists or one qualified psychiatrist and one~~  
7 ~~qualified psychologist who are independent of the community guardian~~  
8 ~~program of persons for whom it serves as committee or conservator to~~  
9 ~~determine whether continuation of the guardianship is necessary, and the~~  
10 ~~appointing court shall be informed of the results of such assessments~~  
11 ~~and may discharge the community guardian program as conservator or~~  
12 ~~committee pursuant to sections 77.35 and 78.27 of the mental hygiene~~  
13 ~~law]~~ annually a statement prepared by a physician, psychologist, nurse  
14 clinician, or social worker, or other person evaluating the condition  
15 and functional level of a person for whom the community guardian program  
16 serves as guardian pursuant to paragraph five of subdivision (b) of  
17 section 81.31 of the mental hygiene law and the appointing court shall  
18 be informed of the results of such evaluation or examination and may  
19 discharge or modify the powers of the guardian pursuant to section 81.36  
20 of the mental hygiene law. The person conducting the evaluation pursuant  
21 to this paragraph shall not be affiliated with a community guardian  
22 program and shall be acting within their lawful scope of practice as  
23 established under the education law;

24 § 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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