

STATE OF NEW YORK

4285--A

2019-2020 Regular Sessions

IN SENATE

March 6, 2019

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

LBD05899-05-9