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:

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

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

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

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

(b) The treatment program shall only be required to use contact information as specified on the form authorizing consent for the release of 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.

LBD05434-04-9

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

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

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

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