

# STATE OF NEW YORK

4957

2021-2022 Regular Sessions

## IN SENATE

February 19, 2021

Introduced by Sens. SEPULVEDA, HARCKHAM, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to establishing Nicole's law

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

1 Section 1. This act shall be known and may be cited as "Nicole's law".  
2 § 2. The mental hygiene law is amended by adding a new section 9.61 to  
3 read as follows:  
4 § 9.61 Patients with self-inflicted, life-threatening injuries.  
5 1. For the purposes of this section the following terms shall have the  
6 following meanings:  
7 (a) "self-inflicted, life-threatening injuries" shall include suicide  
8 attempts, drug overdoses, and other self-harm injuries including but not  
9 limited to cutting oneself.  
10 (b) "assisted outpatient services" shall mean categories of outpatient  
11 services including, but not limited to, case management services or  
12 assertive community treatment team services to provide care coordi-  
13 nation, and may also include any of the following categories of  
14 services: medication; periodic blood tests or urinalysis to determine  
15 compliance with prescribed medications; individual or group therapy; day  
16 or partial day programming activities; educational and vocational train-  
17 ing or activities; alcohol or substance abuse treatment and counseling  
18 and periodic tests for the presence of alcohol or illegal drugs for  
19 persons with a history of alcohol or substance abuse; supervision of  
20 living arrangements; and any other services within a local services plan  
21 developed pursuant to article forty-one of this chapter, prescribed to  
22 treat the person's mental illness and to assist the person in living and  
23 functioning in the community, or to attempt to prevent a relapse or

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

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1 deterioration that may reasonably be predicted to result in suicide or  
2 the need for hospitalization.

3 (c) "assisted outpatient services provider" shall mean any organiza-  
4 tion which provides assisted outpatient services.

5 2. All hospitals operating in this state shall, with regard to intake  
6 practices, ensure the following when admitting patients with self-in-  
7 fllicted, life-threatening injuries:

8 (a) examine each such patient's medical history to determine whether  
9 such patient has had any previous incidents of self-inflicted, life-  
10 threatening injuries; and

11 (b) reach out to any known family or caretaker of such patient for  
12 information about any previous instances of self-inflicted, life-threat-  
13 ening injuries.

14 3. Where a patient admitted with self-inflicted, life-threatening  
15 injuries is identified as having previous instances of self-inflicted,  
16 life-threatening injuries, the hospital shall:

17 (a) obtain such patient's previous hospital records to verify such  
18 previous instances of self-inflicted, life-threatening injuries;

19 (b) examine such patient's previous hospital records to determine  
20 which treatments were previously used in order to avoid repeating prac-  
21 tices which failed such patient and led to repeated episodes of self-in-  
22 fllicted, life-threatening injuries;

23 (c) increase the minimum inpatient stay by an amount which shall be  
24 directed by the commissioner of health by rule and/or regulation for  
25 each previous instance of self-inflicted, life-threatening injuries; and

26 (d) make reasonable attempts to contact such patient's family or care-  
27 taker in order to receive insights on such patient's mental health  
28 history, and any other information which may be useful in such patient's  
29 treatment.

30 4. Where a patient is being discharged after having been admitted with  
31 self-inflicted, life-threatening injuries, the hospital shall:

32 (a) provide such patient's family or caretaker with notice of such  
33 patient's discharge at least forty-eight hours prior to such discharge;

34 (b) ensure that hospital staff conduct a meeting with such patient,  
35 which may include such patient's family or caretaker, to inform such  
36 patient on what is needed to recover and how to best manage their mental  
37 health;

38 (c) inform such patient of any assisted outpatient services providers  
39 that could be helpful in such patient's recovery; and

40 (d) conduct a follow-up post-discharge within a time frame which shall  
41 be established by the commissioner.

42 5. Where a patient is referred to an assisted outpatient services  
43 provider by a hospital pursuant to paragraph (c) of subdivision four of  
44 this section, such assisted outpatient services provider shall ensure  
45 that such patient receives priority access to its assisted outpatient  
46 services.

47 6. The operator of any clinical trial, as defined in section forty-  
48 nine hundred of the public health law, which dismisses an individual  
49 from consideration of participation because such individual indicates  
50 that they have made a suicide attempt or have been suicidal, shall  
51 provide such individual with the suicide crisis line, 1-800-273-8255,  
52 and whenever possible the contact information of a local assisted outpa-  
53 tient services provider. Such clinical trial operator shall also  
54 provide a positive message to such individual such as, "If you need  
55 help, I encourage you to seek that help, most importantly it will help

1 you feel better and hopefully you will be able to participate in the  
2 future."

3 § 3. This act shall take effect one year after it shall have become a  
4 law. Effective immediately, the addition, amendment and/or repeal of any  
5 rule or regulation necessary for the implementation of this act on its  
6 effective date are authorized to be made and completed on or before such  
7 effective date.