STATE OF NEW YORK

5434--A

Cal. No. 844

2021-2022 Regular Sessions

IN SENATE

March 4, 2021

Introduced by Sens. HARCKHAM, GAUGHRAN, MAYER -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, in relation to including certain information about extreme risk protection orders in written service plans for discharge and conditional release of patients to the community

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

Section 1. Paragraph 5 of subdivision (g) of section 29.15 of the mental hygiene law, as added by chapter 306 of the laws of 1995, is amended and a new paragraph 6 is added to read as follows:

[~~(5) an~~] **5. An** evaluation of the patient's need and potential eligibility for public benefits following discharge or conditional release, including public assistance, medicaid, and supplemental security income.

6. Material providing information related to extreme risk protection orders, pursuant to article sixty-three-A of the civil practice law and rules. Such information may be provided to the patient or, upon consent of the patient, to an authorized representative who has actively participated in the patient's treatment plan. Such information may only be provided if the director of the facility and such facility's clinical staff who worked directly with the patient determine through an evaluation and assessment, that there is the presence of a mental health diagnosis or symptoms of a mental illness exhibited by the patient, which indicates the patient may be at substantial risk of physical harm to himself or herself, or has made threats of or attempts at suicide. Such determination and the basis for it shall be included in the written clinical record.

§ 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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