# STATE OF NEW YORK

5945

2021-2022 Regular Sessions

# IN SENATE

March 23, 2021

Introduced by Sen. REICHLIN-MELNICK -- 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 incident notifications and reports

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

Section 1. Subdivision (a) of section 33.23 of the mental hygiene law, as added by chapter 24 of the laws of 2007, is amended to read as follows:

(a) The director of a facility, as defined in subdivision six of section 1.03 of this chapter, shall provide telephone notice of an incident involving a patient receiving care and treatment at such facility to a qualified person, as defined in paragraph six of subdivision (a) of section 33.16 of this article. Such notice shall be provided within twenty-four hours of the initial report of such incident. For the purposes of this section, "incident" shall mean an accident or injury that affects the health or safety of a patient. [~~Upon the request of a qualified person~~] **Within ten days of the incident**, the director shall [~~promptly~~] provide to [~~him or her~~] **the qualified person** a copy of the written incident report, provided that [~~the names and other~~] personally identifying information of patients and employees shall not be included unless such patients and employees authorize disclosure[~~. The director of the facility shall also~~]**,** offer to hold a meeting with such qualified person to further discuss the incident[~~. In addition, within ten days, the director of the facility shall~~]**, and** provide such qualified person with a written report on the actions taken to address the incident. **The director may offer to provide all reports to the qualified person electronically.**

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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