

# 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:

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

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

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

20 § 2. This act shall take effect immediately.

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

LBD02097-03-1