

# STATE OF NEW YORK

915--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

Introduced by M. of A. GALLAGHER -- read once and referred to the Committee on Alcoholism and Drug Abuse -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to creating a substance use disorder treatment bill of rights

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

1 Section 1. Subdivision (c) of section 22.03 of the mental hygiene law,  
2 as added by chapter 558 of the laws of 1999, is amended and a new subdivi-  
3 sion (d) is added to read as follows:

4 (c) The director of every [~~chemical dependence~~] substance use disorder  
5 program, service, or treatment facility shall post copies of [~~a notice~~]  
6 the substance use disorder treatment bill of rights in a form and manner  
7 to be determined by the commissioner, at places throughout the facility  
8 or program where such [~~notice~~] bill of rights shall be conspicuous and  
9 visible to all patients[~~, stating~~]. The substance use disorder treatment  
10 bill of rights shall include, but need not be limited to, the following:

11 1. [~~a general statement of the rights of patients under the various~~  
12 ~~admission or retention provisions of this article, and~~  
13 ~~2. the right of the patient to communicate with the director, the~~  
14 ~~board of visitors, if any, and the commissioner~~] Every patient has the  
15 right to participate in developing an individualized plan of treatment  
16 and to request a review of his or her treatment plan by another clini-  
17 cian;

18 2. Every patient has the right to receive an explanation of services  
19 in accordance with his or her treatment plan;

20 3. Every patient shall have the right to be fully informed of his or  
21 her proposed treatment, including possible adverse effects;

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

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1 4. Every patient has the right to object to or terminate treatment  
2 unless otherwise directed pursuant to court order;

3 5. Every patient has the right to privacy in treatment and in caring  
4 for personal needs, to have confidentiality in the treatment of personal  
5 and medical records, and to have security in storing possessions;

6 6. Every patient has the right to have access to his or her treatment  
7 records;

8 7. Every patient has the right to receive courteous, fair, and  
9 respectful treatment that is appropriate to his or her individual needs;

10 8. Every patient shall be treated in a manner that is free from abuse,  
11 discrimination, mistreatment, and exploitation;

12 9. Every patient's civil and religious liberties, including the right  
13 to independent personal decisions and knowledge of available choices,  
14 shall not be infringed and facility or program staff shall encourage and  
15 assist in the fullest exercise of these rights; and

16 10. Every patient shall be free to report grievances regarding  
17 services or staff to a supervisor, director, the board of visitors, or  
18 the commissioner.

19 (d) Every substance use disorder program, service, or facility shall  
20 give a copy of the substance use disorder treatment bill of rights to  
21 each patient at or prior to the time of admission, or to the appointed  
22 representative at the time of appointment and to each member of the  
23 staff at the program, service, or facility.

24 § 2. This act shall take effect on the one hundred eightieth day after  
25 it shall have become a law. Effective immediately, the addition, amend-  
26 ment and/or repeal of any rule or regulation necessary for the implemen-  
27 tation of this act on its effective date are authorized to be made and  
28 completed on or before such effective date.