STATE OF NEW YORK

10858

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing procedures for the social admission of certain minors presenting to emergency departments for mental or behavioral health evaluation when a parent, legal guardian, or local social services district refuses to retrieve the minor upon discharge

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

Section 1. The public health law is amended by adding a new section 2805-b-1 to read as follows:

§ 2805-b-1. Social admission of minors. 1. As used in this section, the term "hospital" shall include hospitals and general hospitals as such terms are defined in subdivisions one and ten of section twenty-eight hundred one of this article.

2. (a) A hospital shall admit a minor to an appropriate inpatient unit under a social admission status when:

(i) such minor presents to a hospital emergency department or emergency crisis unit for evaluation of mental or behavioral health concerns;

(ii) such minor receives a comprehensive evaluation within no more than twenty-four hours of their arrival at such hospital;

(iii) the psychiatric or crisis team evaluating such minor determines that such minor does not meet clinical criteria for inpatient psychiatric admission and is medically cleared for discharge; and

(iv) the parent or legal guardian of such minor or the local social services district refuses or fails to retrieve such minor, effectively abandoning such minor at the hospital.

(b) Admission of a minor under a social admission status pursuant to this subdivision shall be for custodial and safety purposes and shall not be based on psychiatric medical necessity.

3. Upon admitting a minor under a social admission status pursuant to subdivision two of this section, the hospital admitting such minor shall immediately notify the appropriate local social services district and/or local child protective service and shall coordinate with the local child

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

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protective service to determine and secure a safe and appropriate placement for such minor.

4. Assigned caseworkers shall review the cases of minors admitted pursuant to subdivision two of this section on an ongoing basis to ensure such minors do not remain under inpatient social admission status at a hospital indefinitely.

5. Hospitals shall report quarterly to the local child protective service, the office of children and family services, the department, and all stakeholders, information on the number of social admissions made pursuant to this section, the length of stay of minors admitted pursuant to this section, and disposition outcomes of social admissions made pursuant to this section, for the purpose of informing policy and resource allocation.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the department of health and the office of children and family services are authorized to promulgate any rules and regulations necessary for the timely implementation of this act on or before such effective date.