§ 15.27 Involuntary admission on medical certification.

(a) The commissioner may receive and retain in a school, as a resident any person alleged to have a developmental disability and be in need of involuntary care and treatment upon the certificates of two examining physicians or of one examining physician and one certified psychologist, accompanied by an application for the admission of such person. The examination may be conducted jointly but each examiner shall execute a separate certificate.

(b) Such application must have been executed within six months prior to such admission. It may be executed by any one of the following:

1. any person with whom the person alleged to have a developmental disability resides.

2. the father or mother, husband or wife, brother or sister, or the child of any such person or the nearest available relative.

3. the committee of such person or his judicially appointed guardian.

4. an officer of any well recognized charitable institution or agency or home including but not limited to the superintendent of a correctional facility, as such term is defined in paragraph (a) of subdivision four of section two of the correction law, in whose institution the person alleged to have a developmental disability resides.

5. the director of community services or social services official, as defined in the social services law, of the city or county in which any such person may be.

6. the director of the facility in which the resident resides.

7. the director of the division for youth, acting in accordance with the provisions of section five hundred nine of the executive law.

(c) Such application shall contain a statement of the facts upon which the allegation of developmental disability and need for care and treatment are based and shall be executed under penalty of perjury but

shall not require the signature of a notary public thereon.

(d) Before an examining physician or certified psychologist completes the certificate of examination of a person for involuntary care and treatment, he shall consider alternative forms of care and treatment that might be adequate to provide for the person's needs without requiring involuntary care and treatment. If the examining physician or certified psychologist knows that the person he is examining for involuntary care and treatment has been under prior treatment, he shall, insofar as possible, consult with the physician or psychologist furnishing such prior treatment prior to completing his certificate. Nothing in this section shall prohibit or invalidate any involuntary admission made in accordance with the provisions of this chapter.

(e) The director of the school where such person is brought shall cause such person to be examined forthwith by a staff physician of such school other than the original examining physicians or certified psychologist whose certificate or certificates accompanied the application and, if such person is found to be in need of involuntary care and treatment, he may be admitted thereto as a resident as herein provided.

(f) Following admission to a school, no resident may be sent to another school by any form of involuntary admission unless the mental hygiene legal service has been given notice thereof.