§ 80.09 Right of appeal; temporary restraining order.

The patient, declarant, a parent, spouse, adult child, conservator, legal guardian, committee of the person, or other available surrogate authorized by regulation in accordance with section 33.03 of this chapter or correspondent of the patient, the mental hygiene legal service, or the director of the patient's residential facility may apply to the supreme court for review, pursuant to article seventy-eight of the civil practice law and rules, of whether a determination by a panel is supported by substantial evidence. If a trial is required, it shall receive an immediate preference, as provided for in rule thirty-four hundred three of the civil practice law and rules.

Within the discretion of the court, a temporary restraining order may be granted by the supreme court to facilitate appeal by a proper party, unless it is found by the court to be inconsistent with a need for more timely medical attention. In the event such an order is granted, the court shall conduct an expedited review of the panel's determination.