

CHAPTER 789

LAWS OF 1985

SENATE BILL

S-Report 26 CID

ASSEMBLY BILL 5375A

Cal. No. 579

2101-

1985-1986 Regular Sessions

# IN SENATE

March 3, 1985

Assembly Bill No. 5375-A introduced by M. of A. CONNELLY -- Multi-Sponsored by - M. of A. ROYLAND, GRABER, HARRISON, WERIZ -- read twice and referred to the Committee on Rules, substituted for Senate Bill No. 3869-A by Sens. PADAVAN, BRUNO, KNOER, LACK, LAVALLE, MARCHI, NOLAN, SCHERNEKHORN, TRUNZO, TULLY, VOLKER -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the mental hygiene law, the banking law, the correction law, the criminal procedure law, the family court act and the surrogate's court procedure act, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto

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000001

Bill compared by \_\_\_\_\_

DATE RECEIVED BY GOVERNOR:

7/17

ACTION MUST BE TAKEN BY:

~~7/17~~ 8/9

GOVERNOR'S ACTION:

DATE AUG 1 1985

Memorandum No. \_\_\_\_\_

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SENATE VOTE 60 Y 0 N

HOME RULE MESSAGE \_\_\_ Y \_\_\_ N

Date 6-29-85

Bill is disapproved

ASSEMBLY VOTE 133 Y 7 N

Date 6-30-85

Counsel to Governor

1985

3 Day Message

SENATE JOURNAL

JUN 29 1965

PAGE

ASSEMBLY

The Assembly Bill

by Mr. CONNELLY

Calendar No. 579

Assembly No. 5378-A

Sen. Rept. No. 21,014

Entitled: "

AN ACT to amend the mental hygiene law, the banking law, the correction law, the criminal procedure law, the family court act and the surrogate's court procedure act, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto

No. 1 (THREE DAY MESSAGE OF GOVERNOR)

The President put the question whether the Senate would agree to final passage of said bill, and the facts which necessitate an immediate vote thereon having been certified by the Governor, the same being upon the desks of the members in final form, it was decided in the affirmative, a majority of all the members elected voting in favor thereof and three-fifths being present as follows:

AYE	Dist.		NAY	AYE	Dist.		NAY
	51	Mr. Anderson			24	Mr. Marchi	
	17	Mr. Babbush			5	Mr. Marino	
	20	Mr. Bartosiewicz			21	Mr. Markowitz	
	33	Mr. Bernstein			58	Mr. Masiello	
	29	Mr. Bogues	EXCUSED		46	Mr. McHugh	
	43	Mr. Bruno			23	Mr. Mega	
	34	Mr. Calandra			30	Mrs. Mendez	
	25	Mr. Connor			22	Ms. Montgomery	
	40	Mr. Cook			42	Mr. Nolan	
	61	Mr. Daly			27	Mr. Ohrenstein	
	47	Mr. Donovan			14	Mr. Onorato	
	6	Mr. Dunne			36	Mrs. Oppenheimer	
	44	Mr. Farley			11	Mr. Padavan	
	60	Mr. Floss			54	Mr. Perry	
	35	Mr. Flynn			56	Mr. Present	
	31	Mr. Galiber			55	Mr. Quattrociochi	
	13	Mr. Go'rd			50	Mr. Riford	
	37	Mrs. Goodhue			41	Mr. Rolison	
	20	Mr. Goodman			32	Mr. Ruiz	
	18	Mr. Halperin			39	Mr. Schermerhorn	
	48	Ms. Hoffmann			9	Mr. Skelos	
	10	Mr. Jenkins			52	Mr. Smith	
	4	Mr. Johnson			19	Mr. Solomon	
	53	Mr. Kehoe			57	Mr. Stachowski	
	15	Mr. Knorr			45	Mr. Stafford	
	2	Mr. Lack			12	Mr. Stavisky	
	1	Mr. LaValle			3	Mr. Trunzo	
	28	Mr. Leichter			7	Mr. Tully	
	38	Mr. E. Levy			59	Mr. Volker	
	8	Mr. N. Levy			16	Mr. Weinstein	
	49	Mr. Lombardi					

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AYES

NAYS

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Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

WITH AMENDMENTS

A-5378-1  
S.R. 21,014

AN ACT TO AMEND THE MENTAL HYGIENE LAW, THE BANKING LAW, THE CORRECTION LAW, THE CRIMINAL PROCEDURE LAW, THE FAMILY COURT ACT AND THE SURROGATE'S COURT PROCEDURE ACT, IN RELATION TO CHANGING THE NAME OF THE MENTAL HEALTH INFORMATION SERVICE TO THE MENTAL HYGIENE LEGAL SERVICE, RESTRUCTURING THE FUNCTIONS OF THE SERVICE AND REPEALING CERTAIN PROVISIONS OF THE MENTAL HYGIENE LAW RELATING THERETO

Y	ABRAMSON, E	Y	GRIFFITH, E	Y	Pataki, GE
Y	BARBARO, FJ	Y	HALPIN, PG	Y	PATTON, BA
Y	Barnett, HW	Y	Hannon, K	Y	Paxon, LN
NAY	Barraga, TF	Y	HARENBERG, FE	ABS	PILLITTERE, JT
Y	Becker, GR	Y	Harris, GH	Y	PORDUM, FJ
Y	Behan, JL	Y	HARRISON, J	Y	Prescott, DW
Y	BENNETT, LE	Y	Hawley, RS	Y	Proskin, AH
Y	BIANCHI, IN	Y	Healey, FB	Y	PROUD, G
Y	BOYLAND, WF	Y	HEVEST, AG	Y	Rappavea, CD
Y	BRAGHAN, MJ	ABS	HIKIND, D	Y	Rettaliata, AP
Y	BRENNAN, JF	Y	HINCHEY, MD	Y	RIVERA, J
Y	BRODSKY, RL	Y	HOYT, HB	Y	ROBACH, RJ
Y	Burnous, GW	Y	JACOBS, RS	Y	RUGGIERO, RS
Y	Bush, WE	Y	JENKINS, C	Y	Ryan, AW
Y	BUTLER, DJ	Y	KEANE, RJ	NAY	Saland, SM
Y	Casale, AJ	Y	Kelleher, NH	Y	SANDERS, S
Y	CATAPANO, TF	Y	KOPPELL, GO	Y	Sawicki, J
Y	Chesbro, RT	Y	KREMER, AJ	Y	SCHIMMINGER, RL
Y	Cochrane, JC	Y	Kuhl, JR	Y	SCHMIDT, FD
Y	COLMAN, S	Y	LAFAYETTE, IC	Y	SEABROOK, L
Y	CONNELLY, EA	Y	Lane, CD	Y	Sears, WR
Y	CONNERS, RJ	ABS	Larkin, WJ	Y	SEMINPIO, AS
Y	CONNOR, RJ	ABS	LASHER, HL	Y	SERRANO, JE
Y	Cooke, AT	NAY	Leibell, VL	Y	Sheffer, JB
NAY	Coppe, RI	Y	LENTOL, JR	Y	SIEGEL, MA
ABS	Draato, AF	Y	LIPSCHUTZ, GE	Y	SILVER, S
Y	DAndrea, RA	Y	LOPEZ, VJ	Y	SLAUGHTER, LM
Y	DANIELS, GL	Y	MacNeil, HS	Y	Spano, NA
Y	DAVIS, G	Y	Madison, GH	Y	Straniero, RA
Y	DEARIE, JC	Y	MARSHALL, HM	Y	SULLIVAN, EC
Y	DEL TORO, A	Y	MAYERSOHN, N	Y	Sullivan, PM
Y	DIAZ, HL	Y	McCann, JW	Y	TALLON, JR
Y	DUSAN, EC	Y	MCNULTY, MR	NAY	Talonia, FG
Y	ENGEL, EL	Y	MCPHILLIPS, MM	Y	Tedisco, J
Y	EVE, AO	Y	Miller, HM	Y	TOCCI, RC
Y	FARRELL, FD	Y	MILLER, MH	Y	TONKO, PD
Y	FELDMAN, D	Y	Miller, RH	ABS	VANN, A
Y	Ferraro, AA	Y	MURPHY, MJ	Y	VITALIANO, EN
ABS	Flannigan, JJ	Y	MURTAUGH, JB	Y	WALDON, AR
Y	FRIEDMAN, G	Y	NADLER, J	Y	WALSH, DB
Y	Friscia, D	Y	Nagle, JF	Y	Warren, GE
Y	Gaffney, RJ	Y	NEWBURGER, MW	Y	WEINSTEIN, HE
ABS	GANTT, DF	Y	NOLAN, CT	Y	WEPRIN, S
Y	GOLDSTEIN, R	Y	NORMAN, C	ABS	Hertz, RC
Y	GORSKI, DT	Y	Nortz, HR	NAY	Hesley, RC
Y	GUTTFIELD, RN	Y	Nozzolio, MF	Y	Winner, GH
Y	GRABER, VJ	NAY	ONeill, JG	Y	YEVOLI, LJ
Y	GRANNIS, A	Y	PARENT, WL	Y	YOUNG, GP
Y	GREEN, RL	Y	Parola, FE	Y	ZIMMER, MN
Y	GREENE, A	Y	PASSANNANTE, WF		MR. SPEAKER

YEAS: 133

NAYS: 7

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CONTROL: 03523024

CERTIFICATION: \_\_\_\_\_

LEGEND: Y=YES, NAY=NO, NV=ABSTAIN, ABS=ABSENT, ELL=EXCUSED FOR LEGISLATIVE BUSINESS, EOR=EXCUSED FOR OTHER REASONS.

MEMORANDUM

AN ACT to amend the mental hygiene law, the banking law, the correction law, the criminal procedure law, the family court act and surrogate's court procedure act, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto.

Purpose of the Bill

To restructure the functions of the Mental Health Information Service as an independent legal advocacy system to ensure that the legal rights of persons with mental disabilities are adequately protected.

Existing Law:

Section 29.09 of the Mental Hygiene Law defines the organization, functions and powers of the Mental Health Information Service (MHIS). This section establishes the MHIS in the judiciary under the authority of the presiding justices in the four judicial departments of the Appellate Division of the New York State Supreme Court.

The primary functions of the MHIS under this section include the following:

- to study and review the admission and retention of all patients;
- to inform patients and others interested in their welfare of the patients' legal rights;
- to provide the court with a confidential report containing all relevant information as to the patient's case;
- to provide other related services to patients, their families and the courts; and
- to investigate cases of alleged patient abuse and mistreatment, including the provision of legal services.

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Sections 9.25, 15.23 and 29.15 of the Mental Hygiene Law require the MHIS to review the suitability and willingness of patients or residents to remain on voluntary inpatient status (§§9.25 and 15.23), and for patients to remain on a conditional release status (§29.15). If MHIS has reason to doubt the suitability or willingness of such patient or resident to remain on such status, it shall apply to a court for determining these issues.

Many other provisions of law require the MHIS to receive notice of certain actions affecting the legal status and the care and treatment of patients and residents and to take appropriate action as authorized by law.

#### Summary of Provisions

This bill would repeal Section 29.09 of the Mental Hygiene Law and would enact a new Article 47 within such law. The current conflict between serving as legal representative of the person and as advisor to the court is eliminated and the Service assumes the traditional attorney-client relationship with patients, residents and their families. In keeping with this fundamental reform, the name of the Mental Health Information Service would be changed to the Mental Hygiene Legal Service (MHLS).

Under the current law, Service attorneys and personnel combine representation of a client with an obligation to act on behalf of a court to combine information relating to the disposition of a client's legal case. See N.Y. MHL §29.09(b)(3). To eliminate this dual loyalty, the proposal simply authorizes the provision of legal service and assistance to patients, residents and their families. (§47.03(c))

The presiding justice of the respective judicial department of the Supreme Court remains the appointing authority as provided in current law.

Current law also requires that lawyers of the Service make clinical as well as legal decisions on the treatment status of patients and residents, including determinations of their suitability for medical and programmatic treatment, e.g., MHL §9.25, §15.23, §29.15. Although still allowing the Service to dispute any clinical determination in court or otherwise, this proposal removes the obligation of the Service to make these routine and periodic clinical determinations of "suitability" for treatment. The Service must, instead, periodically ascertain their client's willingness to accept the treatment offered, with suitability determinations made by the facility director.

Beyond this authority, the Service is given a clearer mandate to provide legal representation whenever a patient's rights might be jeopardized. Specifically included in the MHLS obligations are provisions:

- to review the admission and retention of the patient and to take appropriate action to protect lawful rights and compliance with legal procedures;
- to inform patients of their legal rights;
- to provide legal assistance to patients in matters directly related to their admission, retention or care and treatment; and

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- to inform patients, family members and other interested persons of other available legal resources which may be of assistance in matters not directly related to their admission, retention or care and treatment.

Lastly, the bill would also make numerous conforming amendments in the Mental Hygiene Law, Banking Law, Criminal Procedure Law, Correction Law and the Family Court Act to change the name of the Mental Health Information Service to the Mental Hygiene Legal Service.

#### Statement in Support

The Mental Health Information Service was created to protect the legal rights of mentally disabled or allegedly mentally disabled persons. Civil rights legislation and litigation that has occurred since the establishment of MHIS has expanded the rights of the mentally disabled, and has significantly increased the demand for legal services to protect these legal rights. As a result, a variety of actions have been taken by the Legislature including expanding the Service's functions, strengthening the advocacy and oversight responsibilities of boards of visitors, and establishing the Commission on Quality of Care for the Mentally Disabled.

Since its inception in 1964, the Mental Health Information Service was mandated to assume responsibility to protect newly recognized rights. Often such new functions were added which detracted from the fundamental mission of the Service. See, Strengthening Patient Advocacy, A Review of the Mental Health Information Service, April 1979; see also, Murphy, T.J., The Mental Health Information Service: A Program Review and Suggestions for Reform, (unpublished) New York State Assembly Ways and Means Committee memorandum, July 31, 1973. The primary mission of the Service has become confused in a time of greatly increased demand for legal advocacy on issues of escalating complexity. The creation of the Commission on Quality of Care for the Mentally Disabled in 1978 has provided new systemic advocacy for patients and residents that now allows the Service to concentrate its attention on the need for individual legal advocacy, thereby focusing its efforts in the area of greatest need.

#### Budget Implications

No increase in State or local expenditures is required by this proposal.

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BUDGET REPORT ON BILLS

Session Year: 1983

SENATE

Introduced by:

ASSEMBLY

No. ~~SyPr-24014~~

Sen. Padavan, et al.

No. 5378-A

Law: Mental Hygiene Law and conforming sections of the Banking Law, Correction Law, Criminal Procedure Law, Family Court Act and the Surrogate's Court Procedure Act  
Division of the Budget receive no recommendation on the above bill:

Approved:  Veto:  No Objection:  No Recommendation:

1. Subject and Purpose:

This bill is designed to enhance the legal rights of the mentally disabled by restructuring the Mental Health Information Service (MHIS) into an independent legal advocacy system under the jurisdiction of the four Presiding Justices of the Appellate Division of the New York State Supreme Court. Currently, MHIS statutory responsibility is limited to providing advice to patients and the courts in cases involving patients' legal rights. Under the provisions of this bill, a renamed Mental Hygiene Legal Service (MHLS) would be assigned responsibility for providing legal service and assistance to patients, reviewing the willingness of a patient to remain in his or her status, and for evaluating the reasonableness of a facility director's determination of the suitability of the patient's status. Additionally, the bill would clarify the patient abuse investigation responsibility of the MHLS in relation to those of the Commission on Quality of Care for the Mentally Disabled (CQC), facility directors, and Boards of Visitors.

2. Prior Legislative History:

Since 1981, CQC has submitted similar proposals which have been supported by the Governor and the Division of the Budget.\* These proposals did not pass both houses of the Legislature due to unresolved issues which concerned certain affected groups including the four Presiding Justices and employee unions.

3. Differences Between This Bill and Prior Year Versions:

The current bill differs from previous bills endorsed by the executive in the following areas:

- It gives the four Presiding Justices of the Appellate Division direct statutory authority to promulgate rules and regulations necessary to operationalize the provisions of the act. Previous versions of the bill gave this authority to the four MHLS directors, subject to the direction of the Presiding Justices.

\* See CQC 1983#4, 1981#1, and 1980#5.

Date \_\_\_\_\_ Examiner: 000010

Disposition: \_\_\_\_\_ Chapter No. \_\_\_\_\_ Veto No. \_\_\_\_\_

- The bill clarifies the discretionary authority of MHLS to conduct patient abuse investigations in recognition of the statutorily mandated responsibilities of facility directors, CQC and Boards of Visitors to perform such investigations.
- It adds conforming language to restrict the MHLS' access to patient records consistent with Federal regulations concerning patients with alcohol-related diagnoses.
- It removes a provision which was included in earlier versions of the bill which would have authorized MHLS to represent patients involved in employee disciplinary and grievance procedures. This was done to accommodate employee collective bargaining agreements.
- It includes a new provision which would maintain the authority of the Mental Health Information Services during the conversion to the MHLS, thereby ensuring minimal disruptions during this period of transition.

#### 4. Recommendations:

The revised version of this bill serves to further clarify the intent of the proposal to enhance the legal rights of the mentally disabled and addresses the concerns of various interested parties. Further, it modifies responsibilities of the Mental Hygiene Legal Service so that it appropriately recognizes existing statutory responsibilities of CQC, Boards of Visitors and facility directors as well as Federal regulations regarding confidentiality of records. Since the bill does not substantially differ from those previously supported by the executive and the Division of the Budget, we continue to recommend approval.

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Date July 15, 1985Examiner: Lou Reiss *jet*Section Head: Arthur Markowitz *AM*

Chapter No.

Veto No.

Disposition:

Mental Hygiene Law:

Sections:

Amends: 7.21, 7.33  
9.07, 9.09, 9.11, 9.39, 9.13,  
9.19, 9.23, 9.25, 9.27, 9.29,  
9.31, 9.33, 9.39, 9.49,  
13.21, 13.33,  
15.07, 15.09, 15.11, 15.13,  
15.17, 15.21, 15.23, 15.25,  
15.27, 15.29, 15.31, 15.33, 15.37,  
29.15, 29.16, 29.18, 29.27,  
33.05, 33.13, 33.15,  
77.01, 77.07, 77.31,  
78.07

Repeals: 29.09

Adds new: 47

Banking Law

Amends: 4

Correction Law

Amends: 402 subdivision 3  
439 subdivision 3

Criminal Procedure Law

Amends: 330.20 subdivision 2,5,8,9,10,11,12,13,14,  
730.50 subdivision 2  
730.60 subdivision 1

Family Court Act

Amends: 322.2 subdivision 5

Surrogate's Court Procedure Act

Amends: 1705 subdivision 4

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Memorandum



State of New York  
Office of Advocate  
for the Disabled

TO: Honorable Gerald C. Crotty, Counsel to the Governor  
FROM: Robert J. Boehlert, Counsel  
SUBJECT: S.21014 - Memorandum in Support DATE: 7/16/85

RE: AN ACT to amend the mental hygiene law, the banking law, the correction law, the criminal procedure law, the family court act and the surrogate's court procedure act, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto

The subject bill amends the Mental Hygiene Law and other laws to change the name of the Mental Health Information Service to the Mental Hygiene Legal Service. The bill restructures the functions of the MHLS to make it clear that MHLS is a patient/resident advocate, with a clear mandate for studying the admission and retention of all patients/residents of inpatient facilities and for providing legal services to such persons relative to their admission, retention and care.

The Advocate's Office recommends approval of this measure.

The change in the name of the Mental Health Information Service to the Mental Hygiene Legal Service is significant in two respects. First, it makes it clear that the MHLS is to serve people receiving services from all mental hygiene facilities, not only those in receipt of mental health services. Second, a new emphasis is placed on the provision of legal services. More important than the name change though, are the changes which are effected in the basic functions of MHLS. No longer will MHLS have to struggle to fill a dual role as advisor to the court as well as to patients/residents. For the first time, it will be clear that the first obligation of MHLS will, as in

any other attorney-client relationship, be to the patient/resident who is being served by MHLS.

While additional resources may well be necessary in order for MHLS to effectively fulfill its mandates under this measure, S.21014 represents a significant first step in assuring the availability of quality legal services for patients/residents of this state's mental hygiene facilities.

Thank you for providing the Advocate's Office with an opportunity to comment on S.21014.

/jd

cc: Frances Berko  
Ilene Margolin  
James Lytle

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C-789

A-57



STATE OF NEW YORK  
UNIFIED COURT SYSTEM  
OFFICE OF COURT ADMINISTRATION  
270 BROADWAY  
NEW YORK, NEW YORK 10007  
(212) 547-2010

JOSEPH W. BELLACOSA  
Chief Administrative Officer

MICHAEL COLODNER  
Counsel

July 19, 1985

Hon. Gerald C. Crotty  
Counsel to the Governor  
Executive Chamber  
The Capitol  
Albany, New York 12224

Re: Senate 21014

Dear Mr. Crotty:

Thank you for requesting the comments of this Office concerning this measure, which would amend the Mental Hygiene Law and other consolidated laws to restructure the Mental Health Information Service as an independent legal advocacy system.

Responsibility for overseeing the administration and operation of the Mental Health Information Service is vested in the Presiding Justice of the Appellate Division in each judicial department. Mental Hygiene Law §29.09. The Office of Court Administration takes no position on this measure.

Very truly yours,

*Michael Colodner*  
Michael Colodner

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COUNSEL

STATE OF NEW YORK  
COMMISSION ON QUALITY OF CARE  
FOR THE MENTALLY DISABLED  
99 WASHINGTON AVENUE, SUITE 730  
ALBANY, NEW YORK 12210  
(518) 473-4065

PAUL F. STAVIS  
COUNSEL

PATRICIA W. JOHNSON  
ASSISTANT COUNSEL

July 12, 1985

Honorable Gerald C. Crotty  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, New York 12224

RE: Senate Bill #21014

Dear Mr. Crotty:

Senate Bill 21014 is based on a study conducted by the Commission on Quality of Care for the Mentally Disabled (copy enclosed). In this study, the Commission recommended several changes in the function of the Mental Health Information Service, which are incorporated in this bill, to clarify its role so that it could assume a more traditional attorney-client relationship with the residents of the mental hygiene facilities and their families for whom it is charged to represent and assist.

Although this bill is not identified as a Governor's Program Bill, it substantially comports with previous versions of the proposal which were submitted as Governor's Program bills from the 1981 through 1984 legislative sessions.

In keeping with the reorientation of the Service as a legal advocacy organization for the mentally disabled, this bill would:

1. Mandate the Service to provide legal assistance to patients, residents and their families in matters related to the admission, retention, and care and treatment of residents in mental hygiene hospitals, schools and alcoholism facilities, and require the Service to refer residents to other legal service organizations for assistance in matters not directly related to their admission, retention, or care and treatment;

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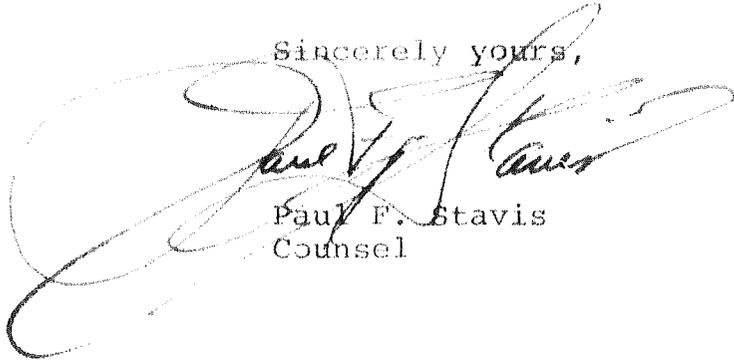
2. Repeal the Service's current responsibility to provide confidential information and reports to the courts in order to remove any semblance of a conflict in interest with its responsibility to serve as a legal advocate for clients in mental hygiene facilities;
3. Restructure the existing review procedures for continued retention, which now require the Service to examine both a client's willingness and suitability, so that the facility director will be responsible for making the clinical determination of suitability and the Service will be responsible to represent the client's willingness. The Service would, however, receive a copy of all suitability determinations and be able to challenge any such determinations;
4. Modify the Service's current responsibility to conduct independent investigations into allegations of abuse or mistreatment to provide discretionary authority for such investigations as part of its responsibility to initiate legal actions to safeguard the rights of such residents from abuse or mistreatment. This modification will eliminate duplicative functions between the Commission of Quality of Care, Boards of Visitors and the Mental Health Information Service;
5. Provide for the Service to refer patient complaints or abuse or mistreatment allegations for independent investigation to the Board of Visitors of the State psychiatric and developmental centers, and for such Boards to report back to the Service their findings;
6. Rename the Mental Health Information Service as the Mental Hygiene Legal Service to emphasize its purpose as a legal service program for the patients and residents of mental hygiene facilities for whom it is charged to serve; and,
7. Provide statutory authority for its jurisdiction in mental hygiene hospitals, schools and alcoholism facilities as currently provided for in the rules and regulations of the First, Second and Third Judicial Departments.

As a result of civil rights legislation and litigation, the rights of the mentally disabled have been significantly expanded since the creation of the Mental Health Information Service in 1964. This bill would provide for some fundamental

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changes in the operations of the Service to enhance its ability to effectively protect and promote the legal rights of the State's mentally disabled citizens who are admitted for inpatient care and treatment. The Commission on Quality of Care for the Mentally Disabled supports Senate Bill 21014 and urges the Governor's approval of this bill.

Sincerely yours,

A large, stylized handwritten signature in black ink, which appears to read "Paul F. Stavis". The signature is written over the typed name and title.

Paul F. Stavis  
Counsel

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Memorandum



State of New York,  
Office of Advocate  
for the Disabled

TO: Honorable Gerald C. Crotty, Counsel to the Governor  
FROM: Robert J. Boehlert, Counsel  
SUBJECT: S.21014 - Memorandum in Support DATE: 7/16/85

RE: AN ACT to amend the mental hygiene law, the banking law, the correction law, the criminal procedure law, the family court act and the surrogate's court procedure act, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto

The subject bill amends the Mental Hygiene Law and other laws to change the name of the Mental Health Information Service to the Mental Hygiene Legal Service. The bill restructures the functions of the MHLS to make it clear that MHLS is a patient/resident advocate, with a clear mandate for studying the admission and retention of all patients/residents of inpatient facilities and for providing legal services to such persons relative to their admission, retention and care.

The Advocate's Office recommends approval of this measure.

The change in the name of the Mental Health Information Service to the Mental Hygiene Legal Service is significant in two respects. First, it makes it clear that the MHLS is to serve people receiving services from all mental hygiene facilities, not only those in receipt of mental health services. Second, a new emphasis is placed on the provision of legal services. More important than the name change though, are the changes which are effected in the basic functions of MHLS. No longer will MHLS have to struggle to fill a dual role as advisor to the court as well as to patients/residents. For the first time, it will be clear that the first obligation of MHLS will, as in

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any other attorney-client relationship, be to the patient/resident who is being served by MHLS.

While additional resources may well be necessary in order for MHLS to effectively fulfill its mandates under this measure, S.21014 represents a significant first step in assuring the availability of quality legal services for patients/residents of this state's mental hygiene facilities.

Thank you for providing the Advocate's Office with an opportunity to comment on S.21014.

/jd

cc: Frances Berko  
Ilene Margolin  
James Lytle

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17-5315

STEVEN E. KATZ, M.D.  
COMMISSIONER

STATE OF NEW YORK  
OFFICE OF MENTAL HEALTH  
COUNSEL  
44 HOLLAND AVENUE  
ALBANY, NEW YORK 12229  
(518) 474-1331

PAUL LITWAK  
DEPUTY COMMISSIONER  
AND COUNSEL

July 11, 1985

Hon. Gerald C. Crotty  
Counsel to the Governor  
Executive Chamber  
State Capitol  
Albany, New York 12224

Dear Mr. Crotty:

The Office of Mental Health has no objection to enactment of S.21014, which is before the Governor for executive action.

Sincerely,

PAUL LITWAK

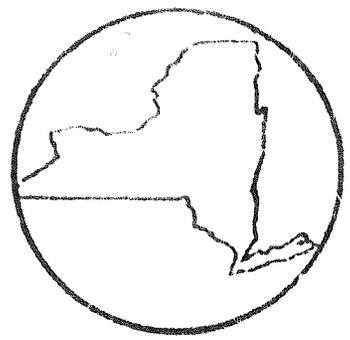
PL:pk

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A-5378

NEW YORK STATE CONFERENCE OF LOCAL MENTAL HYGIENE DIRECTORS • INC.

180 State Street Albany New York 12207 (516) 465 1475  
Executive Director Alfred N. Tuttle Counsel Peter R. Freed



July 11, 1985

The Honorable Gerald C. Crotty  
Executive Chamber  
State Capitol  
Albany, New York 12224

Re: S.21014, in relation to changing the name of the mental health information service to the mental hygiene legal service, restructuring the functions of the service and repealing certain provisions of the mental hygiene law relating thereto

Dear Mr. Crotty:

We do not oppose this legislation. This statutory change pertains only to inpatient services operated by the State.

Sincerely,

*Alfred N. Tuttle*  
Alfred N. Tuttle  
Executive Director

ANT:cd

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New York State Bar Association

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July 15, 1985

Honorable Gerald Crotty  
Counsel to the Governor  
The Capitol -- Room 225  
Albany, New York 12224

Re: S-21014 "Mental Health Legal Service"

Dear Mr. Crotty:

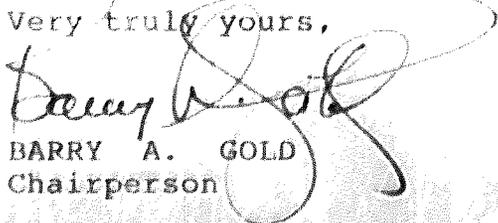
Thank you for the opportunity to comment on the above bill for the Committee on Mental and Physical Disability of the New York State Bar Association.

The Committee is sharply divided as to the overall wisdom of this legislation. Additionally, I must note that a number of our members are currently employed by the Mental Health Information Service and would be directly affected by the changes embodied in S-21014.

Due to the lack of a consensus, and more importantly, because the Committee cannot provide you with the caliber of objectivity which is necessary and proper when responding to a request for comment, I must decline the opportunity to present an opinion concerning the above bill.

The Committee greatly appreciates the opportunities which you have given us to make recommendations concerning pending legislation. We look forward to continuing this relationship in the future.

Very truly yours,

  
BARRY A. GOLD  
Chairperson

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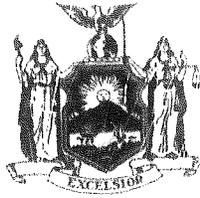
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**STRENGTHENING PATIENT ADVOCACY:  
A Review of the Mental Health Information Service**

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**A REPORT BY THE STATE  
COMMISSION ON QUALITY OF CARE  
FOR THE MENTALLY DISABLED**

CLARENCE J. SUNDRAM  
CHAIRMAN

May 1980

MILDRED B. SHAPIRO  
I. JOSEPH HARRIS  
COMMISSIONERS

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