

A04109 Text:

STATE OF NEW YORK

4109--B

Cal. No. 114

2019-2020 Regular Sessions

IN ASSEMBLY

February 1, 2019

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the social services law, in relation to the community guardianship program

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

1 Section 1. Paragraph (g) of subdivision 3 of section
473-d of the
2 social services law, as added by chapter 846 of the
laws of 1986 and

3 such section as renumbered by chapter 395 of the
laws of 1995, is
4 amended to read as follows:
5 (g) the community guardian program shall obtain
6 ~~annual assessments~~
7 ~~from two qualified psychiatrists or one qualified~~
8 ~~psychiatrist and one~~
9 ~~qualified psychologist who are independent of the~~
10 ~~community guardian~~
11 ~~program of persons for whom it serves as committee or~~
12 ~~conservator to~~
13 ~~determine whether continuation of the guardianship is~~
14 ~~necessary, and the~~
15 ~~appointing court shall be informed of the results of~~
16 ~~such assessments~~
17 ~~and may discharge the community guardian program as~~
18 ~~conservator or~~
19 ~~committee pursuant to sections 77.35 and 78.27 of~~
20 ~~the mental hygiene~~
21 ~~law]~~ annually a statement prepared by a physician,
22 psychologist, nurse
23 clinician, or social worker, or other person
24 evaluating the condition
25 and functional level of a person for whom the community
26 guardian program
27 serves as guardian pursuant to paragraph five of
28 subdivision (b) of
29 section 81.31 of the mental hygiene law and the
30 appointing court shall
31 be informed of the results of such evaluation or
32 examination and may
33 discharge or modify the powers of the guardian pursuant
34 to section 81.36
35 of the mental hygiene law. The person conducting the
36 evaluation pursuant
37 to this paragraph shall not be affiliated with a
38 community guardian
39 program and shall be acting within their lawful scope
40 of practice as
41 established under the education law;
42 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new;
matter in brackets

~~-~~ is old law to be omitted.