

STATUS:

S 2362 HUNTLEY Same as A 6098 Rivera P	A6098 Rivera P Same as S 2362 HUNTLEY
ON FILE: 02/19/09 Mental Hygiene Law	Mental Hygiene Law
TITLE....Relates to the defense and indemnification of optometrists rendering certain services	TITLE....Relates to the defense and indemnification of optometrists rendering certain services
02/18/09REFERRED TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES	02/25/09 referred to mental health
02/25/091ST REPORT CAL.66	04/28/09 reported referred to ways and means
02/26/092ND REPORT CAL.	05/19/09 reported
03/02/09ADVANCED TO THIRD READING	05/21/09 advanced to third reading cal.619
03/04/09PASSED SENATE	05/26/09 substituted by s2362
03/04/09DELIVERED TO ASSEMBLY	S02362 HUNTLEY
03/04/09referred to mental health	02/18/09 REFERRED TO MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
05/26/09substituted for a6098	02/25/09 1ST REPORT CAL.66
05/26/09ordered to third reading cal.619	02/26/09 2ND REPORT CAL.
05/26/09passed assembly	03/02/09 ADVANCED TO THIRD READING
05/26/09returned to senate	03/04/09 PASSED SENATE
	03/04/09 DELIVERED TO ASSEMBLY
	03/04/09 referred to mental health
	05/26/09 substituted for a6098
	05/26/09 ordered to third reading cal.619
	05/26/09 passed assembly
	05/26/09 returned to senate

SPONSOR'S MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S2362

SPONSOR: HUNTLEY

TITLE OF BILL:

An act to amend the mental hygiene law, in relation to defense and indemnification of optometrists rendering certain services

PURPOSE:

To include optometrists to the list of professionals provided defense and indemnification when rendering professional services at the request of the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities or the Office of Alcoholism and Substance Abuse Services.

SUMMARY OF PROVISIONS:

Section 1 of the bill would amend Mental Hygiene Law §7.35 to provide defense and indemnification by the State to optometrists who are rendering professional services at the request of the Office of Mental Health.

Section 2 of the bill would amend Mental Hygiene Law §13.35 to provide defense and indemnification by the State to optometrists who are rendering professional services at the request of the Office of Mental Retardation and Developmental Disabilities.

Section 3 would amend Mental Hygiene Law §19.35 to provide defense and indemnification by the State to optometrists who are rendering professional services at the request of the Office of Alcoholism and Substance Abuse Services.

Section 4 of the bill provides for an immediate effective date.

EXISTING LAW:

Mental Hygiene Law §7.35 provides that the State shall provide for the defense and indemnification of any physician, dentist, psychologist, nurse, licensed master social worker or licensed clinical social worker who is rendering professional treatment to patients at the request of the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities or the Office of Alcoholism and Substance Abuse Services. Such defense and indemnification shall be in relation to any civil action or proceeding in state or federal court arising out of any alleged act or omission which is alleged to have occurred during the scope of professional treatment by these health care professionals.

Public Officers Law §17 provides for the defense and indemnification by the State of State employees and officers.

Public Officers Law §18 provides for the defense and indemnification by the State of employees and officers of municipalities, school districts, special districts, public authorities and public benefit corporations.

JUSTIFICATION:

This bill would include optometrists among the professionals who, when rendering services within a facility administered by the Office of Mental Health ("OMH"), Office of Mental Retardation and Developmental Disabilities ("OMRDD"), or the Office of Alcoholism and Substance Abuse Services ("OASAS"), are defended and indemnified by the State against claims relating to optometrists' provision of such services. The existing statutory defense and indemnification provisions apply to licensed physicians, dentists, psychologists, nurses, licensed master social workers, and licensed clinical social workers who are rendering professional treatment at the request of these state agencies at their facilities. Like those healthcare professionals, optometrists currently provide eye care services to patients at state facilities, including psychiatric hospitals administered by OMH. However, unlike these other

professionals, optometrists are not provided the same statutory legal protection relating to defense and indemnification by the State against allegations of civil wrongdoing. This bill would address this omission and provide optometrists who perform healthcare-related services at the request of OMH, OMRDD or OASAS with the necessary legal protections that will enable them to continue to conduct vital eye care services for patients at state facilities.

LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

Little if any cost.

EFFECTIVE DATE:

Immediately.

VOTING:

S2362 HUNTLEY Same as [A 6098](#) Rivera P

[05/26/09](#) S2362 Assembly Vote

Yes: 143 No : 0

[03/04/09](#) S2362 Senate Vote

Aye: 60 Nay: 1

[Go to Top of Page](#)

05/26/09 S2362 Assembly Vote Yes: 143 No : 0

Yes Abbate	Yes Alessi	Yes Alfano	Yes Amedore
Yes Arroyo	Yes Aubry	Yes Bacalles	Yes Ball
Yes Barclay	Yes Barra	Yes Barron	Yes Benedetto
Yes Benjamin	Yes Bing	Yes Boyland	ER Boyle
Yes Bradley	Yes Brennan	Yes Brodsky	Yes Brook-Krasny
Yes Burling	Yes Butler	Yes Cahill	Yes Calhoun
Yes Camara	Yes Canestrari	Yes Carozza	Yes Castro
Yes Christensen	ER Clark	Yes Colton	Yes Conte
Yes Cook	Yes Corwin	Yes Crouch	Yes Cusick
Yes Cymbrowitz	Yes DelMonte	Yes DenDekker	Yes Destito
Yes Dinowitz	Yes Duprey	Yes Eddington	Yes Englebright
Yes Errigo	Yes Espaillat	Yes Farrell	Yes Fields
Yes Finch	Yes Fitzpatrick	Yes Gabryszak	Yes Galef
Yes Gantt	Yes Gianaris	Yes Giglio	Yes Glick
Yes Gordon	Yes Gottfried	Yes Gunther A	Yes Hawley
Yes Hayes	Yes Heastie	Yes Hevesi	Yes Hikind
Yes Hooper	Yes Hoyt	Yes Hyer-Spencer	Yes Jacobs
Yes Jaffee	Yes Jeffries	Yes John	Yes Jordan
Yes Kavanagh	Yes Kellner	Yes Kolb	Yes Koon
Yes Lancman	Yes Latimer	Yes Lavine	Yes Lentol
Yes Lifton	Yes Lopez P	ER Lopez V	Yes Lupardo
Yes Magee	Yes Magnarelli	Yes Maisel	Yes Markey
ER Mayersohn	Yes McDonough	Yes McEneny	Yes McKevitt
Yes Meng	Yes Miller	Yes Millman	Yes Molinaro

Yes Morelle	Yes Nolan	Yes Oaks	Yes O'Donnell
Yes O'Mara	Yes Ortiz	Yes Parment	Yes Paulin
Yes Peoples	Yes Peralta	Yes Perry	Yes Pheffer
Yes Powell	Yes Pretlow	Yes Quinn	Yes Rabbitt
Yes Raia	Yes Ramos	Yes Reilich	Yes Reilly
Yes Rivera J	Yes Rivera N	Yes Rivera P	Yes Robinson
Yes Rosenthal	Yes Russell	Yes Saladino	Yes Sayward
Yes Scarborough	Yes Schimel	Yes Schimminger	Yes Schroeder
Yes Scozzafava	Yes Seminerio	Yes Skartados	Yes Spano
Yes Stirpe	Yes Sweeney	Yes Tedisco	Yes Thiele
Yes Titone	Yes Titus	Yes Tobacco	Yes Towns
Yes Townsend	ER Walker	Yes Weinstein	Yes Weisenberg
Yes Weprin	Yes Wright	Yes Zebrowski K	Yes Mr. Speaker

[Go to Top of Page](#)

03/04/09 S2362 Senate Vote Aye: 60 Nay: 1

Exc Adams	Aye Addabbo	Aye Alesi	Aye Aubertine
Aye Bonacic	Aye Breslin	Aye DeFrancisco	Aye Diaz
Aye Dilan	Nay Duane	Aye Espada	Aye Farley
Aye Flanagan	Aye Foley	Aye Fuschillo	Aye Golden
Aye Griffo	Aye Hannon	Aye Hassell- Thompson	Aye Huntley
Aye Johnson C	Aye Johnson O	Aye Klein	Aye Krueger
Aye Kruger	Aye Lanza	Aye Larkin	Aye LaValle
Aye Leibell	Aye Libous	Aye Little	Aye Marcellino
Aye Maziarz	Aye McDonald	Aye Monserrate	Aye Montgomery
Aye Morahan	Aye Nozzolio	Aye Onorato	Aye Oppenheimer
Aye Padavan	Aye Parker	Aye Perkins	Aye Ranzenhofer
Aye Robach	Aye Saland	Aye Sampson	Aye Savino
Aye Schneiderman	Aye Serrano	Aye Seward	Aye Skelos
Aye Smith	Aye Squadron	Aye Stachowski	Aye Stavisky
Aye Stewart-Cousins	Aye Thompson	Aye Valesky	Aye Volker
Aye Winner	Aye Young		