



News from

Senator David Carlucci

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Senator Carlucci Hosts Senate Hearing to Investigate the Impact and Implementation of Mental Health Provisions of the NY SAFE Act

Reducing Stigmas of Mental Illness, Streamlining Regulatory Process Among Key Areas Discussed

NEW YORK, NY – Senator David Carlucci (D-Rockland/Westchester) today held a Senate committee hearing to solicit testimony from mental health professionals, provider groups and advocates on how they can best effectively operate within the bounds of the NY SAFE Act. Many advocates have sought better clarification over the criteria within the law, citing concerns over how, and when, mental health professionals and others are required to report patients to local directors of community services that may pose a serious threat to themselves or others.

The hearing focused on patient confidentiality and public safety, clarifying reporting guidelines, assisting with proper notification procedures, and reducing unnecessary burdens placed on local governments.

In the wake of the tragedy in Newtown, Connecticut, New York State passed the NY SAFE Act, considered by many to be one of the toughest gun control measures across the nation. The intention is to prevent those considered to do harm to themselves or others from obtaining a firearm.

Senator David Carlucci (D-Rockland/Westchester), Chairman of the Senate Mental Health and Developmental Disabilities Committee, said: “This hearing is a real opportunity to ensure that we are providing the right balance between public safety and patient confidentiality under criteria associated with the NY SAFE Act. We must provide our mental health professionals with the proper tools and resources at their disposal so they can make their best recommendations in a manner that does not further stigmatize or deter individuals from seeking treatment. It is my hope we can use this testimony to streamline the overall process and give confidence to those who treat mental illness on a daily basis.”

Under the new law, a mental health professional is defined as a physician, psychologist, registered nurse or licensed clinical social worker. A key provision requires such a professional to use his or her reasonable judgment to determine if a person who is being treated is likely to engage in conduct that would result in serious harm to themselves or other. In the event this would occur, they are now required to report such a person to the Director of Community Services, or the director’s designees. Upon doing so, and if in agreement, they must then report that individual to the New York State Division of Criminal Justice Services (DCJS).

Senator David Valesky (D-Oneida), said: This hearing provided us with an excellent opportunity to discuss how the SAFE Act could affect practitioners in the field. I look forward to continuing the discussion to ensure mental health professionals have the tools they need to deliver these critical services.”

Several concerns have been raised over the implementation of this new law. Advocates argue that this further attaches an unfair stigma towards individuals with mental illness, creating a much broader standard and ultimately can deter individuals from seeking professional help in the first place. Others have sought better clarification over guidelines under the law as it relates to the federal Health Insurance Portability and Accountability Act, also known as HIPPA. They also cite concerns of the number of staff and funding available to them to meet the influx of new reports directed to DCJS.

Glenn Martin, M.D., President, New York State Psychiatric Association, said: "The New York State Psychiatric Association is pleased to participate in Senator Carlucci's hearing on the impact of the

SAFE Act mental health reporting requirement. We strongly support improvements to the mental health reporting requirement that will enhance public health and safety, reduce stigma against mental illness and strengthen privacy protections."

Don Capone, Executive Director of NAMI-NYS, said: “NAMI-NYS applauds Senator Carlucci for holding a public hearing to discuss the impact of the NY SAFE Act. This hearing will provide an opportunity for New Yorkers to express their concerns about the impact of the Act on those living with mental illness.”

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