

RESOLUTION NO. 118

URGING THE NEW YORK STATE LEGISLATURE TO ENACT A MEASURE OPENING MEDICAL REPORTS AND INVESTIGATIVE RECORDS TO PARENTS AND GUARDIANS OF THE MENTALLY DISABLED

Introduced: 3/12/07

By Messrs. Cunningham, Dawson, Aidala, Aylward, Beston, Burke, Clay, Collins, Commisso, Ms. Connolly, Messrs. Domalewicz, Ethier, Feeney, Gordon, Horstmyer, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Monjeau, Morse, Nichols, Reilly, Riddick, Shafer, Steck, Ward, Mss. Wiley and Willingham:

WHEREAS, The anguish suffered by the parents of Jonathan Carey over the death of their autistic 13-year-old son after allegedly being improperly restrained by an employee of the State O.D. Heck Developmental Center in Niskayuna and from a previous experience of suspected abuse during his stay at a State-licensed private facility in Dutchess County have led to demands for reform of the mental health system, and

WHEREAS, The parents, Michael and Lisa Carey of Glenmont, and advocates for the mentally disabled have called for enactment of State legislation in Jonathan's name forcing disclosure to parents and legal guardians of medical reports and investigative records that could reveal abuse of their children while in the custody of mental hygiene facilities, and

WHEREAS, The Careys were denied information about their son's alleged abuse in 2004 at the State-certified Anderson School in Dutchess County because of confidentiality and prohibitions in the State Mental Hygiene Law and had sought legislation opening the records, and

WHEREAS, This Legislative body believes that legislation giving parents and guardians access to the records will result in improved quality of care for residents because of greater accountability and oversight and increased training for direct care staff in mental hygiene facilities, now, therefore be it

RESOLVED, That the Albany County Legislature urges the New York State Legislature to enact measures to open medical reports and investigative records to parents and legal guardians of residents of mental hygiene facilities, and, be it further

RESOLVED, That the Clerk of the Albany County Legislature is hereby authorized and directed to send certified copies of this resolution to Senate Majority Leader Joseph L. Bruno, Assembly Speaker Sheldon Silver, Senator Neil Breslin, Assemblymen Ronald J. Canestrari, Timothy Gordon, John J. McEneny and Robert P. Reilly and to the appropriate County Officials.

Adopted by unanimous vote. 3/12/07