
Governor Cuomo Authorizes Regulations That Drastically Limit An Acute Psychiatric Care Center's Ability to Discharge

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Effective January 16, 2013, under newly enacted Office of Mental Health Regulations, an acute care psychiatric facility will be prohibited from discharging mentally ill patients to “adult homes” under most circumstances.

These regulations follow a widely reported decision in April, 2012, wherein the United States, Second Circuit, Court of Appeals overturned a federal trial court ruling mandating that psychiatric patients not be discharged to adult homes.

These regulations, found in Title 14 NYCRR 580 and 582, state in pertinent part that “a hospital shall be prohibited from discharging any person with serious mental illness to a transitional adult home, as defined in regulations of the Commissioner of Health, unless the person was a resident of the home immediately prior to his or her current period of hospitalization.” 14 NYCRR 580, 582 (New York State Register –

January 16, 2013).

There is no question that the impact of these regulations will be immediately felt by provider and patient alike. There exist limited discharge options that provide safe habitation and support for the mentally ill in the community. These regulations further shrink the universe of discharge options and make safe discharge planning all the more challenging for care providers. What remains a fact is that funding for care in the community must be increased.

If you have any questions regarding these new regulations, their impact on hospital discharge policies or other compliance related issues, please contact us directly at 516-328-2300 or e-mail Douglas Stern, Esq. at dstern@abramslaw.com or Carolyn Reinach Wolf Esq. at [cwife@abramslaw.com](mailto:cwolf@abramslaw.com).