



1. Part 501.2 of Title 14 NYCRR is amended to read as follows:

SUB-PART 501

Mental Health Services - General Provisions

Statutory authority: Mental Hygiene Law §§7.09, 31.01, 31.04

§ 501.2 Definitions.

(a) Case record, clinical record, medical record, or patient record means clinical record as such term is defined in section 33.16 of the Mental Hygiene Law, whether created or maintained in writing or electronically. All such records shall use accepted mechanisms for clinician signatures, be maintained in a secure manner, and be readily accessible to the office upon request. ***This definition is set forth for the purposes of Title 14, and is not intended to, and does not, supplement, expand or further define the term “record” as used and as independently defined in Article 9 of the Mental Hygiene Law, nor is “case record, clinical record, medical record, or patient record” as defined herein intended to be construed or interpreted as “accompanying data” as such term is used in the definition of “record” set forth in Section 9.01 of the Mental Hygiene Law, such “accompanying data” properly relating only to medical certificates providing the basis for the admission of patients and requests for transfer or retention.***

(b) Commissioner means the commissioner of the New York State Office of Mental Health.

(c) Office means the New York State Office of Mental Health.

(d) Provider of services means a provider of services, as defined in section 1.03 of the Mental Hygiene Law, which is responsible for the operation of a program or network of programs. Such entity may be an individual, partnership, association, corporation, limited liability company, or public or private agency, other than an agency of the State, which provides services for persons with mental illness.

(e) Mental illness means an affliction with a mental disease or mental condition which is manifested by a disorder or disturbance in behavior, feeling, thinking, or judgment to such an extent that the person afflicted requires care, treatment and rehabilitation.

(f) Minor means a person who has not attained the age of 18 years.

(g) Serious emotional disturbance means a child or adolescent has a designated mental illness diagnosis according to the most current Diagnostic and Statistical Manual of Mental Disorders

(DSM) and has experienced functional limitations due to emotional disturbance over the past 12 months on a continuous or intermittent basis. The functional limitations must be moderate in at least two of the following areas or severe in at least one of the following areas:

(1) ability to care for self (e.g., personal hygiene; obtaining and eating food; dressing; avoiding injuries); or

(2) family life (e.g., capacity to live in a family or family like environment; relationships with parents or substitute parents, siblings and other relatives; behavior in family setting); or

(3) social relationships (e.g., establishing and maintaining friendships; interpersonal interactions with peers, neighbors and other adults; social skills; compliance with social norms; play and appropriate use of leisure time); or

(4) self-direction/self-control (e.g., ability to sustain focused attention for a long enough period of time to permit completion of age-appropriate tasks; behavioral self-control; appropriate judgment and value systems; decision-making ability); or

(5) ability to learn (e.g., school achievement and attendance; receptive and expressive language; relationships with teachers; behavior in school).