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July 5, 2023

The Honorable Rowan D. Wilson  
Chief Judge of the State of New York  
New York State Unified Court System  
25 Beaver Street  
New York, NY 10004

Honorable Joseph A. Zayas  
Chief Administrative Judge  
State of New York Unified Court System  
25 Beaver Street  
New York, NY 10004

Dear Chief Judge Wilson and Chief Administrative Judge Zayas:

The Healthcare Association of New York State, on behalf of our member nonprofit and public hospitals, nursing homes, home health agencies and other healthcare providers, strongly urges the Unified Court System to continue allowing providers to use video technology for Mental Hygiene Law proceedings.

The presiding chief administrative judge issued Administrative Order 72 (effective March 20, 2020) and Administrative Order 144 (effective May 11, 2021) to allow proceedings in which a petitioner or other necessary party was confined to a hospital or other medical facility to be conducted remotely, by telephone or video, where appropriate and at the discretion of the presiding judge.

While these administrative orders were issued primarily to minimize the adverse effects of COVID-19 transmission, we have since learned that allowing remote hearings has provided and would continue to provide immeasurable value to both patients and providers.

For patients, remote hearings allow for continuity of care, minimizing disruptions in treatment and progress toward recovery. Requiring patients to travel and exposing them to unfamiliar settings unnecessarily increases their stress levels and the risk of elopement and harm to self or others.

Telecourt programs allow patients to remain in a stable, therapeutic environment with immediate access to emergency interventions only available in the hospital.

For hospitals, remote hearings have similar benefits. By remaining onsite at the hospital, clinical staff are more readily available to treat patients and focus on their care. This is particularly important given the rise in mental health needs in the wake of COVID-19.

Conversely, physicians, nurses, social workers and other clinicians often have to spend an entire day in court when called to participate in an in-person hearing. This does not include any additional staff needed to assist in transporting the patient to and from the hearing.

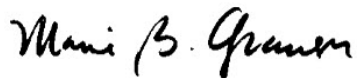
In addition to travel and labor costs, requiring staff to be away from the hospital and their patients for an extended period only serves to exacerbate ongoing healthcare workforce challenges.

Importantly for all parties, hospitals have seamlessly transitioned to remote hearings. They have expended significant time and resources to minimize or fully eliminate any technological issues associated with virtual proceedings. In addition, certain hospitals have adopted creative solutions to engage patients and families, such as creating a “court room” within the facility.

HANYS firmly believes that flexibility to continue virtual MHL hearings will help contribute to successful patient treatment. We welcome the opportunity to work together to achieve our shared goal of protecting patients’ due process rights while ensuring their safety.

If you have questions, contact Sandi Toll, Esq., general counsel, at [stoll@hanys.org](mailto:stoll@hanys.org) or 518.431.7838 or Victoria Aufiero, Esq., vice president, insurance, managed care and behavioral health, at [vaufiero@hanys.org](mailto:vaufiero@hanys.org) or 518.431.7889.

Sincerely,



Marie B. Grause, RN, JD

cc: Ann Marie T. Sullivan, MD