



New York State Psychiatric Association, Inc.

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January 4, 2016

Ann Sullivan, M.D.
Office of the Commissioner
New York State Office of Mental Health
44 Holland Avenue
Albany, NY 12229

Dear Commissioner Sullivan:

The New York State Psychiatric Association, the statewide medical specialty organization representing over 4,500 psychiatrists practicing in the state, supports Governor Cuomo's emergency executive order mandating that local governments take action regarding homeless people living on the streets when the temperature falls below freezing.

Many homeless individuals living on the streets undoubtedly suffer from serious mental illness and their refusal to seek shelter when the temperature falls below freezing results from an impairment in their judgment due to such mental illness. In such cases, where an assessment of such individuals indicates mental impairment and there is an imminent danger to their health and safety due to frigid temperatures, involuntary removal of such individuals to a hospital emergency room for examination is medically appropriate and permitted under the NYS Mental Hygiene Law.

However, the mere fact that individuals choose to remain on the streets even when the temperature falls below freezing is not evidence that such persons have a mental illness and does not warrant their forcible removal by the police. We must be cautious that in our zeal to ensure proper care and treatment of persons with mental illness who are a danger to themselves or others that we do not interfere with rights of individuals to make decisions that most would deem unreasonable or even dangerous.

Moreover, the problem of homeless individuals with serious mental illness cannot be ultimately addressed merely by removing such individuals from the streets and bringing them to shelters or emergency rooms. We need a comprehensive alliance of all stakeholders including state government, local governments, social service agencies and housing providers to address the problem of homelessness.

Sincerely,

Seeth Vivek, M.D.
President

Seth P. Stein, Esq.
Executive Director