

4577--B

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 5, 2009

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Introduced by M. of A. P. RIVERA, ALFANO, LUPARDO, WEISENBERG, SCHROEDER  
-- read once and referred to the Committee on Mental Health, Mental  
Retardation and Developmental Disabilities -- reported and referred to  
the Committee on Ways and Means -- committee discharged, bill amended,  
ordered reprinted as amended and recommitted to said committee --  
committed to Mental Health, Mental Retardation and Developmental Disa-  
bilities -- committee discharged, bill amended, ordered reprinted as  
amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to establishing the  
child psychiatry access project; to amend the tax law, in relation to  
establishing a gift for the child psychiatry access project; and to  
amend the state finance law, in relation to establishing the child  
psychiatry access fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The mental hygiene law is amended by adding a new section  
2     7.42 to read as follows:  
3     S 7.42 CHILD PSYCHIATRY ACCESS PROJECT.  
4     (A) THE OFFICE SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, ESTABLISH  
5     OR MAY CONTRACT FOR THE ESTABLISHMENT OF REGIONAL CHILD PSYCHIATRY  
6     ACCESS PROJECTS ACROSS THE STATE TO PROVIDE PRIMARY CARE PROVIDERS WITH  
7     TIMELY ACCESS TO CHILD PSYCHIATRY CONSULTATIONS IN ORDER TO ASSIST SUCH  
8     PRIMARY CARE PROVIDERS IN MEETING THE MENTAL HEALTH NEEDS OF THE CHIL-  
9     DREN AND ADOLESCENTS AND THEIR FAMILIES.  
10    (B) REGIONAL TEAMS SHALL CONSIST OF A CHILD PSYCHIATRIST WITH APPRO-  
11    PRIATE SUPPORT STAFF, AND BE ESTABLISHED TO PROVIDE CHILD PSYCHIATRIC  
12    TELEPHONE CONSULTATIONS TO PRIMARY CARE PROVIDERS WITHIN THE DESIGNATED  
13    REGION RESULTING IN ONE OF THE FOLLOWING, DEPENDING UPON THE NEEDS OF  
14    THE CHILD PATIENT AND/OR FAMILY:  
15    1. RESPONDING TO THE PRIMARY CARE PHYSICIAN'S PATIENT SPECIFIC QUES-  
16    TIONS ABOUT BEHAVIORAL HEALTH;

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 2. ASSISTING THE FAMILY IN ACCESSING ROUTINE, LOCAL BEHAVIORAL HEALTH  
2 SERVICES, WITH THE UNDERSTANDING THERE MAY BE A WAITING PERIOD;

3 3. PROVIDING TRANSITIONAL SUPPORT TO THE CHILD PATIENT AND FAMILY  
4 UNTIL THE FAMILY CAN ACCESS ROUTINE, LOCAL BEHAVIORAL HEALTH SERVICES;

5 4. MAKING REFERRAL TO A TEAM CHILD PSYCHIATRIST FOR AN ACUTE PSYCHO-  
6 PHARMACOLOGIC OR DIAGNOSTIC CONSULTATION.

7 (C) REGIONAL TEAMS MAY ALSO PROVIDE MENTAL HEALTH RESOURCE SERVICES,  
8 EDUCATIONAL SERVICES, MENTAL HEALTH ADVOCACY AND OTHER RELATED SERVICES  
9 TO THE PROVIDER AND MENTAL HEALTH COMMUNITY.

10 (D) CHILD PSYCHIATRY ACCESS SERVICES PROVIDED UNDER THIS SECTION SHALL  
11 NOT DISCRIMINATE AGAINST CHILDREN AND FAMILIES, BASED UPON THEIR INSUR-  
12 ANCE STATUS, WHEN SUCH SERVICES ARE ACCESSED THROUGH THEIR PRIMARY CARE  
13 PROVIDER PRACTICING IN THE REGION.

14 S 2. The tax law is amended by adding a new section 628-a to read as  
15 follows:

16 S 628-A. GIFT FOR THE CHILD PSYCHIATRY ACCESS PROJECT. EFFECTIVE FOR  
17 ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN  
18 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE CHILD  
19 PSYCHIATRY ACCESS FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR  
20 AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIV-  
21 VIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX  
22 RETURN FORM TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITH-  
23 STANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO  
24 THIS SECTION SHALL BE PAID TO THE CHILD PSYCHIATRY ACCESS FUND ESTAB-  
25 LISHED PURSUANT TO AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN  
26 SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

27 S 3. The state finance law is amended by adding a new section 89-h to  
28 read as follows:

29 S 89-H. CHILD PSYCHIATRY ACCESS FUND. 1. A SPECIAL FUND TO BE KNOWN  
30 AS THE "CHILD PSYCHIATRY ACCESS FUND" IS HEREBY ESTABLISHED IN THE JOINT  
31 CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND  
32 FINANCE.

33 2. THE FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED TO SUCH FUND  
34 PURSUANT TO LAW, ALL MONEYS REQUIRED BY ANY PROVISION OF LAW TO BE PAID  
35 INTO OR CREDITED TO THE FUND, ALL MONEYS FROM GIFTS PURSUANT TO SECTION  
36 SIX HUNDRED TWENTY-EIGHT-A OF THE TAX LAW AND ANY INTEREST EARNINGS  
37 WHICH MAY ACCRUE FROM THE INVESTMENT OF MONEYS IN THE FUND. NOTHING  
38 CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS,  
39 GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS  
40 SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

41 3. MONEYS OF THE FUND, WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE  
42 OFFICE OF MENTAL HEALTH SOLELY FOR THE PURPOSE OF ESTABLISHING CHILD  
43 PSYCHIATRY PROJECTS PURSUANT TO SECTION 7.42 OF THE MENTAL HYGIENE LAW.

44 4. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF  
45 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER  
46 OF MENTAL HEALTH.

47 S 4. This act shall take effect on the ninetieth day after it shall  
48 have become a law.