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I N S E N A T E

March 25, 2010

Introduced by Sen. MORAHAN -- (at request of the Office of Alcoholism and Substance Abuse Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to defining the scope of responsibilities of the office of alcoholism and substance abuse services regarding recovery services, terms of operating certificates and the DWI provider list, and permitting local departments of social services to participate in the process of developing local services plans

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

1 Section 1. Subdivisions (a), (b), and (g) of section 19.07 of the  
2 mental hygiene law, subdivision (a) as amended by section 4 of part I of  
3 chapter 58 of the laws of 2005, subdivision (b) as added by chapter 223  
4 of the laws of 1992, and subdivision (g) as amended by chapter 669 of  
5 the laws of 2007, are amended to read as follows:

6 (a) The office of alcoholism and substance abuse services is charged  
7 with the responsibility for assuring the development of comprehensive  
8 plans, programs, and services in the areas of research, prevention,  
9 care, treatment, rehabilitation, INCLUDING RELAPSE PREVENTION AND RECOV-  
10 ERY MAINTENANCE, education, and training of persons who abuse or are  
11 dependent on alcohol and/or substances and their families. Such plans,  
12 programs, and services shall be developed with the cooperation of the  
13 office, the other offices of the department where appropriate, local  
14 governments, consumers and community organizations and entities. The  
15 office shall provide appropriate facilities and shall encourage the  
16 provision of facilities by local government and community organizations  
17 and entities. The office is also responsible for developing plans,  
18 programs and services related to compulsive gambling education,  
19 prevention and treatment consistent with section 41.57 of this chapter.

20 (b) The office of alcoholism and substance abuse services shall advise  
21 and assist the governor in improving services and developing policies  
22 designed to meet the needs of persons who abuse or are dependent on

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

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1 alcohol and/or substances and their families, and to encourage their  
2 rehabilitation, MAINTENANCE OF RECOVERY, and functioning in society.

3 (g) The office of alcoholism and substance abuse services shall devel-  
4 op, REVISE AND MAINTAIN a list of the names and locations of all  
5 licensed agencies and alcohol and substance abuse professionals, as  
6 defined in paragraphs (a) and (b) of subdivision one of section eleven  
7 hundred ninety-eight-a of the vehicle and traffic law, throughout the  
8 state which are capable of and available to provide an assessment of,  
9 and treatment for, alcohol and substance abuse and dependency. Such list  
10 shall be provided to the chief administrator of the office of court  
11 administration and the commissioner of motor vehicles. PERSONS WHO MAY  
12 BE AGGRIEVED BY AN AGENCY DECISION REGARDING INCLUSION ON THE LIST MAY  
13 REQUEST AN ADMINISTRATIVE APPEAL IN ACCORDANCE WITH RULES AND REGU-  
14 LATIONS OF THE OFFICE.

15 S 2. Subdivision (g) of section 19.09 of the mental hygiene law, as  
16 amended by chapter 558 of the laws of 1999, is amended to read as  
17 follows:

18 (g) The commissioner shall establish and operate chemical dependence  
19 programs, facilities, and services for the [prevention of chemical abuse  
20 and the treatment and rehabilitation] PREVENTION, TREATMENT, AND REHA-  
21 BILITATION, INCLUDING RELAPSE PREVENTION AND RECOVERY MAINTENANCE, of  
22 persons who abuse or are dependent on alcohol and/or substances, and  
23 significant others not limited to the psychiatric model but embodying  
24 all recognized or promising approaches.

25 S 3. Subdivision (c) of section 32.09 of the mental hygiene law, as  
26 added by chapter 558 of the laws of 1999, is amended to read as follows:

27 (c) Operating certificates shall be valid for up to a [three-year]  
28 FIVE YEAR period as shall be expressly provided upon such certificate or  
29 renewal thereof.

30 S 4. Subdivisions (a) and (c) of section 41.16 of the mental hygiene  
31 law, subdivision (a) as added by chapter 978 of the laws of 1977 and  
32 subdivision (c) as amended by section 2 of chapter 99 of the laws of  
33 1999, are amended to read as follows:

34 (a) Each of the offices of the department shall guide and facilitate  
35 the process of local planning so that plans for the provision of all  
36 services, including state and local services, can be formulated on the  
37 basis of approved local plans and federal guidelines related to services  
38 for the mentally disabled to reflect the distribution of needs and  
39 resources of areas of the state. All providers of services, including  
40 facilities of the offices of the department, directors of hospital based  
41 mental health services, directors of community mental health centers,  
42 and voluntary agencies shall participate in and provide information,  
43 including budget data, for local planning processes. COUNTY COMMISSION-  
44 ERS OF PUBLIC WELFARE OR OTHER AGENTS OF THE LOCAL DEPARTMENTS OF SOCIAL  
45 SERVICES MAY PARTICIPATE IN THE PLANNING PROCESS.

46 (c) A local services plan or unified services plan shall be developed,  
47 in accordance with the regulations of the commissioner or commissioners  
48 of the office or offices of the department having jurisdiction of the  
49 services by the local governmental unit or units which shall direct and  
50 administer a local comprehensive planning process for its geographic  
51 area, consistent with statewide goals and objectives established pursu-  
52 ant to section 5.07 of this chapter. The planning process shall involve  
53 the directors of any department facilities, directors of hospital based  
54 mental health services, directors of community mental health centers,  
55 consumers, consumer groups, voluntary agencies, other providers of  
56 services, and local correctional facilities and other local criminal

1 justice agencies. COUNTY COMMISSIONERS OF PUBLIC WELFARE OR OTHER  
2 AGENTS OF THE LOCAL DEPARTMENTS OF SOCIAL SERVICES MAY PARTICIPATE IN  
3 THE PLANNING PROCESS. The local governmental unit, or units, shall  
4 determine the proposed local services plan or unified services plan to  
5 be submitted for approval. If any provider of services including facili-  
6 ties in the department, or any representative of the consumer or commu-  
7 nity interests within the local planning process, disputes any element  
8 of the proposed plan for the area which it serves, the objection shall  
9 be presented in writing to the director of the local governmental unit.  
10 If such dispute cannot be resolved to the satisfaction of all parties,  
11 the director shall determine the plan to be submitted. If requested and  
12 supplied by the objecting party, a written objection to the plan shall  
13 be appended thereto and transmitted to the single agent of the depart-  
14 ment jointly designated by the commissioners.

15 S 5. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law; provided, however, that effective immediate-  
17 ly, the addition, amendment and/or repeal of any rule or regulation  
18 necessary for the implementation of this act on its effective date are  
19 authorized and directed to be made and completed on or before such  
20 effective date.