

S. 3013

A. 3575

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 28, 2013

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IN SENATE -- Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

IN ASSEMBLY -- Introduced by M. of A. BARRETT -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to including the executive officer of a local government's office for the aging in the composition of such government's local community service board

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

1     Section 1. Subdivisions (a) and (b) of section 41.11 of the mental  
2     hygiene law, as amended by section 52 of chapter 37 of the laws of 2011,  
3     are amended to read as follows:  
4     (a) In all local governments with a population less than one hundred  
5     thousand, community services boards, at the option of the local govern-  
6     ment, shall have either nine or fifteen members appointed by the local  
7     government. In all other local governments, a community services board  
8     shall have fifteen members appointed by the local government.  
9     Whenever practicable at least one member shall be a licensed physician  
10    and one member shall be a certified psychologist and otherwise at least  
11    two members shall be licensed physicians, such members to have demon-  
12    strated an interest in the field of services for persons with mental  
13    disabilities. ONE MEMBER SHALL BE THE EXECUTIVE OFFICER OF THE LOCAL  
14    GOVERNMENT'S OFFICE FOR THE AGING. The other members shall represent the  
15    community interest in all the problems of persons with mental disabili-  
16    ties and shall include representatives from community agencies for  
17    persons with mental illness, developmental disabilities, and those  
18    suffering from alcoholism and substance abuse. The community services  
19    board shall have separate subcommittees for mental health, developmental  
20    disabilities, and alcoholism or, at the discretion of the local govern-

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

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1 ment, alcoholism and substance abuse. Each separate subcommittee shall  
2 have no more than nine members appointed by the local government, except  
3 that each subcommittee for mental health shall have no more than eleven  
4 members appointed by the local government. Three of each such subcommit-  
5 tee shall be members of the board. Each separate subcommittee shall be  
6 composed of persons who have demonstrated an interest in the field of  
7 services for the particular class of mentally disabled and shall include  
8 former patients, parents or relatives of such persons with mental disa-  
9 bilities and community agencies serving the particular class of mentally  
10 disabled, except that each subcommittee for mental health shall include  
11 at least two members who are or were consumers of mental health  
12 services, and at least two members who are parents or relatives of  
13 persons with mental illness. Each separate subcommittee shall advise the  
14 community services board and the director of community services regard-  
15 ing the exercise of all policy-making functions vested in such board or  
16 director, as such functions pertain to the field of services for the  
17 particular class of mentally disabled individuals represented by such  
18 subcommittee. In addition, each subcommittee for mental health shall be  
19 authorized to annually evaluate the local services plan, and shall be  
20 authorized to report on the consistency of such plan with the needs of  
21 persons with serious mental illness, including children and adolescents  
22 with serious emotional disturbances. Any such report shall be forwarded  
23 annually to the community services board and the director of community  
24 services and a copy shall also be sent to the commissioner prior to the  
25 submission of the local services plan, provided, however, that the  
26 provisions of this paragraph shall not apply to cities of over a million  
27 in population.

28 (b) In cities of over a million a community services board shall  
29 consist of fifteen members to be appointed by the mayor. There shall be  
30 at least two residents of each county within such cities on the board.  
31 At least one shall be a licensed physician and at least one shall be a  
32 certified psychologist. ONE MEMBER SHALL BE THE COMMISSIONER OF THE NEW  
33 YORK CITY DEPARTMENT FOR THE AGING. The other members shall represent  
34 the community interest in all of the problems of the mentally disabled  
35 and shall include representatives from community agencies for persons  
36 with mental illness and developmental disabilities, and those suffering  
37 from alcoholism and substance abuse. The community services board shall  
38 have separate subcommittees for mental health, developmental disabili-  
39 ties, and alcoholism or, at the discretion of the local government,  
40 alcoholism and substance abuse. Each separate subcommittee shall have no  
41 more than nine members appointed by the local government, except that  
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43 members appointed by the local government. Three members of each such  
44 subcommittee shall be members of the board. Each separate subcommittee  
45 shall be composed of persons who have demonstrated an interest in the  
46 field of services for the particular class of mentally disabled and  
47 shall include former patients, parents or relatives of such persons with  
48 mental disabilities and community agencies serving the particular class  
49 of mentally disabled, except that each subcommittee for mental health  
50 shall include at least two members who are or were consumers of mental  
51 health services, and two members who are parents or relatives of persons  
52 with mental illness. Each separate subcommittee shall advise the commu-  
53 nity services board and the director of community services regarding the  
54 exercise of all policy-making functions vested in such board or direc-  
55 tor, as such functions pertain to the field of services for the partic-  
56 ular class of individuals with mental disabilities represented by such

1 subcommittee. In addition, each subcommittee for mental health shall be  
2 authorized to annually evaluate the local services plan, and shall be  
3 authorized to report on the consistency of such plan with the needs of  
4 persons with serious mental illness, including children and adolescents  
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6 annually to the community services board and the director of community  
7 services, and a copy shall also be sent to the commissioner prior to the  
8 submission of the local services plan.

9 S 2. Subdivisions (a) and (b) of section 41.11 of the mental hygiene  
10 law, as amended by section 52-a of chapter 37 of the laws of 2011, are  
11 amended to read as follows:

12 (a) In all local governments with a population less than one hundred  
13 thousand, community services board, at the option of the local govern-  
14 ment, shall have either nine or fifteen members appointed by the local  
15 government. In all other local governments, a community services board  
16 shall have fifteen members appointed by the local government.

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20 strated an interest in the field of services for the mentally disabled.  
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26 and substance abuse. The community services board shall have separate  
27 subcommittees for mental health, developmental disabilities, and alco-  
28 holism or, at the discretion of the local government, alcoholism and  
29 substance abuse. Each separate subcommittee shall have no more than nine  
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31 tee shall be members of the board. Each separate subcommittee shall be  
32 composed of persons who have demonstrated an interest in the field of  
33 services for the particular class of mentally disabled and shall include  
34 former patients, parents or relatives of such mentally disabled persons  
35 and community agencies serving the particular class of mentally disa-  
36 bled. Each separate subcommittee shall advise the community services  
37 board and the director of community services regarding the exercise of  
38 all policy-making functions vested in such board or director, as such  
39 functions pertain to the field of services for the particular class of  
40 individuals with mental disabilities represented by such subcommittee.  
41 Provided however that the provisions of this paragraph shall not apply  
42 to cities of over a million in population.

43 (b) In cities of over a million a community services board shall  
44 consist of fifteen members to be appointed by the mayor. There shall be  
45 at least two residents of each county within such cities on the board.  
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8 services regarding the exercise of all policy-making functions vested in  
9 such board or director, as such functions pertain to the field of  
10 services for the particular class of persons with mental disabilities  
11 represented by such subcommittee.

12 S 3. This act shall take effect immediately; provided that the amend-  
13 ments to subdivisions (a) and (b) of section 41.11 of the mental hygiene  
14 law made by section one of this act shall be subject to the expiration  
15 and reversion of such subdivisions pursuant to section 7 of part R2 of  
16 chapter 62 of the laws of 2003, as amended, when upon such date the  
17 provisions of section two of this act shall take effect.