

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

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
42 each subcommittee for mental health shall have no more than eleven
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
5 with serious emotional disturbances. Any such report shall be forwarded
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.

17 Whenever practicable at least one member shall be a licensed physician
18 and one member shall be a certified psychologist and otherwise at least
19 two members shall be licensed physicians, such members to have demon-
20 strated an interest in the field of services for the mentally disabled.
21 ONE MEMBER SHALL BE THE EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT'S
22 OFFICE FOR THE AGING. The other members shall represent the community
23 interest in all the problems of the mentally disabled and shall include
24 representatives from community agencies for individuals with mental
25 illness, developmental disabilities, and those suffering from alcoholism
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
30 members appointed by the local government. Three of each such subcommit-
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.
46 At least one shall be a licensed physician and at least one shall be a
47 certified psychologist. ONE MEMBER SHALL BE THE COMMISSIONER OF THE NEW
48 YORK CITY DEPARTMENT FOR THE AGING. The other members shall represent
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50 disabilities and shall include representatives from community agencies
51 for persons with mental illness, developmental disabilities, and those
52 suffering from alcoholism and substance abuse. The community services
53 board shall have separate subcommittees for mental health, developmental
54 disabilities, and alcoholism or, at the discretion of the local govern-
55 ment, alcoholism and substance abuse. Each separate subcommittee shall
56 have no more than nine members appointed by the local government. Three

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2 separate subcommittee shall be composed of persons who have demonstrated
3 an interest in the field of services for the particular class of mental-
4 ly disabled and shall include former patients, parents or relatives of
5 such persons with mental disabilities and community agencies serving the
6 particular class of mentally disabled. Each separate subcommittee shall
7 advise the community services board and the director of community
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.