

STATE OF NEW YORK

7490

2017-2018 Regular Sessions

IN ASSEMBLY

April 27, 2017

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

AN ACT to amend the election law, the executive law, the state finance law, the transportation law, the public authorities law, the public health law, the public lands law, the education law, the retirement and social security law, the social services law, the cooperative corporation law, the elder law, the correction law, the criminal procedure law, the family court act, the facilities development corporation act, the medical care facilities agency act and the administrative code of the city of New York, in relation to making technical corrections to references to the office for people with developmental disabilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of section 5-211 of the election law,
2 as amended by chapter 265 of the laws of 2013, is amended to read as
3 follows:
4 Each agency designated as a participating agency under the provisions
5 of this section shall implement and administer a program of distribution
6 of voter registration forms pursuant to the provisions of this section.
7 The following offices which provide public assistance and/or provide
8 state funded programs primarily engaged in providing services to persons
9 with disabilities are hereby designated as voter registration agencies:
10 designated as the state agencies which provide public assistance are the
11 office of children and family services, the office of temporary and
12 disability assistance and the department of health. Also designated as
13 public assistance agencies are all agencies of local government that
14 provide such assistance. Designated as state agencies that provide
15 programs primarily engaged in providing services to people with disabilities
16 are the department of labor, office for the aging, division of
17 veterans' affairs, office of mental health, office of vocational and

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

LBD09546-01-7

1 educational services for individuals with disabilities, commission on
2 quality of care for the mentally disabled, office [~~of mental retardation~~
3 ~~and~~] for people with developmental disabilities, commission for the
4 blind, office of alcoholism and substance abuse services, the office of
5 the advocate for the disabled and all offices which administer programs
6 established or funded by such agencies. Additional state agencies desig-
7 nated as voter registration offices are the department of state and the
8 division of workers' compensation. Such agencies shall be required to
9 offer voter registration forms to persons upon initial application for
10 services, renewal or recertification for services and change of address
11 relating to such services. Such agencies shall also be responsible for
12 providing assistance to applicants in completing voter registration
13 forms, receiving and transmitting the completed application form from
14 all applicants who wish to have such form transmitted to the appropriate
15 board of elections. The state board of elections shall, together with
16 representatives of the department of defense, develop and implement
17 procedures for including recruitment offices of the armed forces of the
18 United States as voter registration offices when such offices are so
19 designated by federal law. The state board shall also make request of
20 the United States Immigration and Naturalization Service to include
21 applications for registration by mail with any materials which are given
22 to new citizens. All institutions of the state university of New York
23 and the city university of New York, shall, at the beginning of the
24 school year, and again in January of a year in which the president of
25 the United States is to be elected, provide an application for registra-
26 tion to each student in each such institution. The state board of
27 elections may, by regulation, grant a waiver from any or all of the
28 requirements of this section to any office or program of an agency, if
29 it determines that it is not feasible for such office or program to
30 administer such requirement.

31 § 2. Subdivision 1 of section 548-e of the executive law, as added by
32 chapter 657 of the laws of 1990, is amended to read as follows:

33 1. Establishment. A neighborhood based initiatives oversight committee
34 shall be established to oversee the implementation of the provisions of
35 this article and shall consist of representatives of the following agen-
36 cies or their designees, with the commissioner of the department or his
37 or her designee serving as chairperson: the state advocate for the disa-
38 bled; the director of the office for the aging; the director of the
39 division of alcoholism and alcohol abuse; the executive director of the
40 council on children and families; the chancellor of the city university
41 of New York; the executive director of the developmental disabilities
42 action planning council; the director of the budget; the commissioner of
43 economic development; the commissioner of education; the commissioner of
44 health; the commissioner of housing and community renewal; the commis-
45 sioner of labor; the commissioner of mental health; the commissioner of
46 [~~mental retardation and~~] the office for people with developmental disa-
47 bilities; the commissioner of parks, recreation and historic preserva-
48 tion; the chancellor of the state university of New York; the director
49 of the division of substance abuse services; the director of the divi-
50 sion for youth; the director of the division for women; and the depart-
51 ment of audit and control.

52 § 3. Subdivisions 1 and 2 of section 702 of the executive law, as
53 added by chapter 551 of the laws of 2002, are amended to read as
54 follows:

55 1. The most integrated setting coordinating council is hereby created
56 within the executive department to have and exercise the functions,

1 powers and duties provided by the provisions of this article and any
2 other provision of law. The council shall be comprised of the commis-
3 sioners of: the department of health, the office [~~of mental retardation~~
4 ~~and~~] for people with developmental disabilities, the office of mental
5 health, the department of transportation, the office of children and
6 family services, the office of alcohol and substance abuse services, the
7 department of education, and the division of housing and community
8 renewal. In addition, the council shall consist of the director of the
9 office for the aging, a representative from the office of the advocate
10 for persons with disabilities, a representative from the commission on
11 quality of care for the mentally disabled, three consumers of services
12 for individuals with disabilities, one to be appointed by the governor,
13 one to be appointed by the temporary president of the senate, and one to
14 be appointed by the speaker of the assembly, three individuals with
15 expertise in the field of community services for people of all ages with
16 disabilities, one to be appointed by the governor, one to be appointed
17 by the temporary president of the senate, and one to be appointed by the
18 speaker of the assembly, and three individuals with expertise in or
19 recipients of services available to senior citizens with disabilities,
20 one to be appointed by the governor, one to be appointed by the tempo-
21 rary president of the senate, and one to be appointed by the speaker of
22 the assembly.

23 2. The commissioners of the department of health, the office of mental
24 health, the office [~~of mental retardation and~~] for people with develop-
25 mental disabilities, and the director of the office for the aging shall
26 rotate as chairperson of the council on a quarterly basis.

27 § 4. Section 179-aa of the state finance law, as amended by chapter
28 292 of the laws of 2007, is amended to read as follows:

29 § 179-aa. Advisory committee. There is hereby established a not-for-
30 profit contracting advisory committee. The advisory committee shall
31 consist of sixteen members which shall include eight appointed members,
32 four to be appointed by the governor who shall be representatives of
33 not-for-profit organizations providing services in the state, and two
34 each to be appointed by the governor upon recommendation of the tempo-
35 rary president of the senate and speaker of the assembly, and eight ex
36 officio members of the committee, one each designated from the division
37 of the budget, the department of law, the office of the state comp-
38 troller, and the education department. The governor shall also designate
39 four members from among the following agencies: the department of state,
40 the office of children and family services, the office of temporary and
41 disability assistance, the department of health, the office of mental
42 hygiene, the office [~~of mental retardation and~~] for people with develop-
43 mental disabilities, and the department of labor. The governor shall
44 designate an appointee to serve as chair of the committee. The advisory
45 committee shall meet at least quarterly and upon its own initiative may:
46 comment and report on the implementation and operation of the not-for-
47 profit short-term revolving loan fund; advise the governor, comptroller
48 and state agencies on the implementation and operation of this article;
49 evaluate the benefits of requiring all state agencies to use standard
50 contract language and the extent to which standard language may be
51 effectively included in contracts with not-for-profit organizations;
52 review annually the report of the office of the state comptroller made
53 pursuant to section one hundred seventy-nine-bb of this article; and
54 propose any legislation they deem necessary to improve the fund and this
55 article. The committee shall report to the governor and the legislature
56 with recommendations on improving the contracting procedures with not-

1 for-profit organizations which receive state funds through the interme-
2 diary of municipalities. Such reports shall be due annually not later
3 than December first.

4 § 5. Subdivision 1 of section 73-d of the transportation law, as
5 amended by chapter 562 of the laws of 1987, is amended to read as
6 follows:

7 1. There is hereby created a committee to be known as the "interagency
8 coordinating committee on rural public transportation", to be comprised
9 of nineteen members. The commissioner or his or her designee shall serve
10 as chairperson. Twelve of such members shall be the following or his or
11 her duly designated representative: the director of the office for the
12 aging; the commissioner of education; the commissioner of labor; the
13 commissioner of health; the commissioner of the office of mental health;
14 the commissioner of the office [~~of mental retardation and~~] for people
15 with developmental disabilities; the commissioner of social services;
16 state advocate for the disabled; secretary of state; commissioner of
17 agriculture and markets; the director of the office of rural affairs and
18 the director of the division for youth. Six additional members, all of
19 whom shall be transportation providers or consumers representing rural
20 counties shall be appointed to serve a term of three years as follows:
21 two by the president pro-tempore of the senate, two by the speaker of
22 the assembly, one by the minority leader of the senate, and one by the
23 minority leader of the assembly. Efforts shall be made to provide a
24 broad representation of consumers and providers of transportation
25 services in rural counties when making such appointments. Members of
26 the committee shall receive no salary.

27 The commissioner shall cause the department to provide staff assist-
28 ance necessary for the efficient and effective operation of the commit-
29 tee.

30 § 6. The undesignated paragraph of paragraph (b) of subdivision 2 of
31 section 1676 of the public authorities law, as added by chapter 281 of
32 the laws of 1988, is amended to read as follows:

33 The Devereux Foundation for the financing, construction and equipping
34 of facilities subject to the approval of the commissioner of education,
35 the commissioner of social services and the commissioner of the office
36 [~~of mental retardation and~~] for people with developmental disabilities
37 for a residential and educational program for children with handicapping
38 conditions, as such term is defined in subdivision one of section
39 forty-four hundred one of the education law, including, but not limited
40 to, those students who were publicly placed at the Rhinebeck Country
41 School during the nineteen hundred eighty-six--eighty-seven school year
42 and in furtherance of the state's overall goal of reducing the number of
43 children with handicapping conditions requiring out-of-state placements:
44 nothing in the foregoing shall be deemed to authorize The Devereux Foun-
45 dation to apply any funds or credit obtained pursuant to this section
46 toward the financing, construction or equipping of facilities on any
47 other property or properties it presently owns or controls or owns or
48 controls in the future.

49 § 7. The undesignated paragraph of paragraph (b) of subdivision 2 of
50 section 1676 of the public authorities law, as added by chapter 471 of
51 the laws of 2009, is amended to read as follows:

52 Not-for-profit members of InterAgency Council of [~~Mental Retardation~~
53 ~~and~~] Developmental Disabilities Agencies, Inc., for the acquisition,
54 financing, refinancing, construction, reconstruction, renovation, devel-
55 opment, improvement, expansion and equipping of certain educational,

1 administrative, day program and residential facilities to be located in
2 the state of New York.

3 § 8. The undesignated paragraph of subdivision 1 of section 1680 of
4 the public authorities law, as added by chapter 281 of the laws of 1988,
5 is amended to read as follows:

6 The Devereux Foundation for the financing, construction and equipping
7 of facilities subject to the approval of the commissioner of education,
8 the commissioner of social services and the commissioner of the office
9 ~~[of mental retardation and]~~ for people with developmental disabilities
10 for a residential and educational program for children with handicapping
11 conditions, as such term is defined in subdivision one of section
12 forty-four hundred one of the education law, including, but not limited
13 to, those students who were publicly placed at the Rhinebeck Country
14 School during the nineteen hundred eighty-six--eighty-seven school year
15 and in the furtherance of the state's overall goal of reducing the
16 number of children with handicapping conditions requiring out-of-state
17 placements: nothing in the foregoing shall be deemed to authorize The
18 Devereux Foundation to apply any funds or credits obtained pursuant to
19 this section toward the financing, construction or equipping of facili-
20 ties on any other property or properties it presently owns or controls
21 or owns or controls in the future.

22 § 9. The undesignated paragraph of subdivision 1 of section 1680 of
23 the public authorities law, as added by chapter 343 of the laws of 1992,
24 is amended to read as follows:

25 Ferncliff Manor as a not-for-profit residential school serving chil-
26 dren who are severely mentally disabled and medically involved, who will
27 also on a not-for-profit basis operate an intermediate care facility,
28 for the financing, construction, reconstruction, improvement, renovation
29 and development of five twelve bed dormitories in Westchester County for
30 such children, subject to the approval of the commissioners of educa-
31 tion, social services, and ~~[mental retardation and]~~ the office for
32 people with developmental disabilities, and subject further to the
33 approval of the director of the budget as to project need and project
34 cost. Except to the extent otherwise prohibited by law, Ferncliff Manor
35 shall have full power and authority to assign and pledge to the authori-
36 ty, together with any pledge of its own assets and other income, any and
37 all public funds to be apportioned or otherwise made payable by the
38 state, a political subdivision, as defined in section one hundred of the
39 general municipal law, or any social services district in the state in
40 an amount sufficient to make all payments required to be made by Fern-
41 cliff Manor pursuant to any lease, sublease or other agreement entered
42 into between Ferncliff Manor and the authority. All state and local
43 officers are hereby authorized and required to pay all such funds so
44 assigned and pledged to the authority or upon the direction of the
45 authority, to any trustee of any authority bond or note issued pursuant
46 to a certificate filed with any such state or local officer by the
47 authority pursuant to the provisions of this section. No agreement or
48 lease by Ferncliff Manor shall be effective unless and until it is
49 approved by or on behalf of the commissioners of education, social
50 services, and ~~[mental retardation and]~~ the office for people with devel-
51 opmental disabilities, and subject further to the approval of the direc-
52 tor of the budget as to project need and project cost.

53 § 10. The undesignated paragraph of subdivision 1 of section 1680 of
54 the public authorities law, as amended by chapter 780 of the laws of
55 1992, is amended to read as follows:

1 The Leake and Watts Children's Home (Incorporated), Yonkers, New York
2 for the financing, construction, reconstruction, improvement, renovation
3 or otherwise for (1) a new school building for the junior high and high
4 school vocational programs including a field house; (2) a new children's
5 cottage and renovation and reconstruction of eight existing children's
6 cottages to provide more efficient heating and cooling systems, more
7 secure supervision and to increase the number of beds; (3) renovation
8 and reconstruction of the main building to provide new electrical and
9 plumbing systems and internal rehabilitation; and (4) renovation and
10 reconstruction of the old school building for multiple use; subject to
11 the approval of the commissioners of education, social services and
12 ~~mental retardation and~~ the office for people with developmental disa-
13 bilities, and subject further to the approval of the director of the
14 budget including as to project need and project cost. Notwithstanding
15 any other provision of law, The Leake and Watts Children's Home (Incor-
16 porated) shall have full power and authority to assign and pledge to the
17 authority, together with any other assets so pledged, any and all prop-
18 erty rights to, and property interests in, any and all public funds to
19 be apportioned or otherwise made payable by the state, a political
20 subdivision, as defined in section one hundred of the general municipal
21 law, or any social services district in the state in an amount suffi-
22 cient to make all payments required to be made by The Leake and Watts
23 Children's Home (Incorporated) pursuant to any lease, sublease or other
24 agreement entered into between The Leake and Watts Children's Home
25 (Incorporated) and the authority. All state and local officers are here-
26 by authorized and required to pay all such funds so assigned and pledged
27 to the authority or upon the direction of the authority, to any trustee
28 of any authority bond or note issued pursuant to a certificate filed
29 with any such state or local officer by the authority pursuant to the
30 provisions of this section. No lease, sublease or other agreement by The
31 Leake and Watts Children's Home (Incorporated) shall be effective unless
32 and until it is approved by or on behalf of the commissioners of educa-
33 tion, social services and ~~mental retardation and~~ the office for people
34 with developmental disabilities and subject further to the approval of
35 the director of the budget including as to project need and project
36 cost.

37 § 11. The undesignated paragraph of subdivision 1 of section 1680 of
38 the public authorities law, as added by chapter 471 of the laws of 2009,
39 is amended to read as follows:

40 Not-for-profit members of InterAgency Council of ~~Mental Retardation~~
41 ~~and~~ Developmental Disabilities Agencies, Inc., for the acquisition,
42 financing, refinancing, construction, reconstruction, renovation, devel-
43 opment, improvement, expansion and equipping of certain educational,
44 administrative, day program and residential facilities to be located in
45 the state of New York. Notwithstanding any other provision of law, not-
46 for-profit members of the InterAgency Council of ~~Mental Retardation~~
47 ~~and~~ Developmental Disabilities Agencies, Inc. shall have full power and
48 authority to assign and pledge to the dormitory authority, any and all
49 public funds to be apportioned or otherwise made payable by the United
50 States, any agency thereof, the state, any agency thereof, a political
51 subdivision, as defined in section one hundred of the general municipal
52 law, any social services district in the state or any other governmental
53 entity in an amount sufficient to make all payments required to be made
54 by such members pursuant to any lease, sublease or other agreement
55 entered into between such members and the dormitory authority. All state
56 and local officers are hereby authorized and required to pay all such

1 funds so assigned and pledged to the dormitory authority or, upon the
2 direction of the dormitory authority, to any trustee of any dormitory
3 authority bond or note issued, pursuant to a certificate filed with any
4 such state or local officer by the dormitory authority pursuant to the
5 provisions of this section.

6 § 12. Subdivision 3 of section 2879-a of the public authorities law,
7 as added by chapter 506 of the laws of 2009, is amended to read as
8 follows:

9 3. This section shall not apply to: (a) contracts entered into for the
10 issuance of commercial paper or bonded indebtedness, other than
11 contracts with the state providing for the payment of debt service
12 subject to an appropriation; (b) contracts entered into by an entity
13 established under article ten-c of the public authorities law that are
14 for: (i) projects approved by the department of health or the public
15 health council in accordance with articles twenty-eight, thirty-six or
16 forty of the public health law or article seven of the social services
17 law; (ii) projects approved by the office of mental health, the office
18 ~~[of mental retardation and]~~ for people with developmental disabilities,
19 or the office of alcoholism and substance abuse services in accordance
20 with articles sixteen, thirty-one, or thirty-two of the mental hygiene
21 law; (iii) services, affiliations or joint ventures for the provision or
22 administration of health care services or scientific research; (iv)
23 payment for direct health care services or goods used in the provision
24 of health care services; or (v) participation in group purchasing
25 arrangements; (c) contracts entered into for the procurement of goods,
26 services or both goods and services made to meet emergencies arising
27 from unforeseen causes or to effect repairs to critical infrastructure
28 that are necessary to avoid a delay in the delivery of critical services
29 that could compromise the public welfare; (d) contracts of purchase or
30 sale of energy, electricity or ancillary services made by an authority
31 on a recognized market for goods, services, or commodities in question
32 in accordance with standard terms and conditions of purchase or sale at
33 a market price; (e) contracts for the purchase, sale or delivery of
34 power or energy, fuel, costs and services ancillary thereto, or finan-
35 cial products related thereto, with a term of less than five years; and
36 (f) contracts for the sale or delivery of power or energy and costs and
37 services ancillary thereto for economic development purposes pursuant to
38 title one of article five of this chapter or article six of the economic
39 development law, provided, however, that the authority shall file copies
40 of any such contract with the comptroller within sixty days after the
41 execution of such contract.

42 § 13. Subdivisions 2 and 3 of section 32 of the public health law,
43 subdivision 2 as added by chapter 442 of the laws of 2006 and subdivi-
44 sion 3 as amended by chapter 109 of the laws of 2007, are amended to
45 read as follows:

46 2. to conduct and supervise activities to prevent, detect and investi-
47 gate medical assistance program fraud and abuse amongst the following:
48 the department; the offices of mental health, ~~[mental retardation and~~
49 ~~developmental disabilities,]~~ alcoholism and substance abuse services,
50 temporary disability assistance, and children and family services and
51 the office for people with developmental disabilities;

52 3. to coordinate, to the greatest extent possible, activities to
53 prevent, detect and investigate medical assistance program fraud and
54 abuse amongst the following: the department; the offices of mental
55 health, ~~[mental retardation and developmental disabilities,]~~ alcoholism
56 and substance abuse services, temporary disability assistance, and chil-

1 dren and family services and the office for people with developmental
2 disabilities; the commission on quality of care and advocacy for persons
3 with disabilities; the department of education; the fiscal agent
4 employed to operate the medical assistance information and payment
5 system; local governments and entities; and to work in a coordinated and
6 cooperative manner with, to the greatest extent possible, the deputy
7 attorney general for Medicaid fraud control; the welfare inspector
8 general, federal prosecutors, district attorneys within the state, the
9 special investigative unit maintained by each health insurer operating
10 within the state, and the state comptroller;

11 § 14. Section 34 of the public health law, as added by chapter 442 of
12 the laws of 2006, is amended to read as follows:

13 § 34. Transfer of employees. Upon the transfer of the medical assist-
14 ance program audit and fraud and abuse prevention functions from the
15 department and the offices of mental health, [~~mental retardation and~~
16 ~~developmental disabilities,~~] alcoholism and substance abuse services,
17 temporary disability assistance, and children and family services and
18 the office for people with developmental disabilities to the office
19 within the department pursuant to section thirty-one of this title,
20 provision shall be made for the transfer of necessary officers and
21 employees who are substantially engaged in the performance of the func-
22 tion to be transferred, and any documents and records necessary and
23 related to the transfer of such functions. The heads of the departments
24 or agencies from which such function is to be transferred and the
25 inspector shall confer to determine the officers and employees who are
26 substantially engaged in the medical assistance program audit and fraud
27 and abuse prevention function to be transferred. In accordance with
28 subdivision two of section seventy of the civil service law, officers
29 and employees so transferred shall be transferred without further exam-
30 ination or qualification to the same or similar titles and shall remain
31 in the same collective bargaining unit and shall retain their respective
32 civil service classification, status and rights pursuant to their
33 collective bargaining unit and collective bargaining agreement.
34 Notwithstanding the office's regional operations, all office employees
35 shall be co-located, to the greatest extent practicable. The inspector
36 shall have sole responsibility for establishing methods of adminis-
37 tration for the office.

38 § 15. Subdivision 2 of section 2004-a of the public health law, as
39 added by section 24 of part B of chapter 58 of the laws of 2007, is
40 amended to read as follows:

41 2. The council shall be comprised of twenty-one members as follows:
42 the commissioner of health, the director of the state office for the
43 aging, the commissioner of children and family services, the commis-
44 sioner of education, the commissioner of mental health and the commissioner
45 of [~~mental retardation and~~] the office for people with developmental
46 disabilities who shall serve ex officio and who may designate represen-
47 tatives to act on their behalf. The governor shall appoint seven other
48 members with expertise in Alzheimer's disease, other dementia or elder
49 care issues, at least two of whom shall represent not-for-profit corpo-
50 rations whose primary purpose is to provide access to experts in the
51 care of persons with Alzheimer's disease and related dementia, that are
52 part of a statewide network of not-for-profit corporations established
53 specifically to respond at the local and regional level to the needs of
54 this population and that provide family intervention services related to
55 Alzheimer's disease in order to postpone or prevent nursing home place-
56 ments of individuals with Alzheimer's disease or other dementia. Eight

1 members shall be appointed by the governor on the recommendation of the
2 legislative leaders as follows: the temporary president of the senate
3 and the speaker of the assembly shall each recommend three members to
4 the council. One of the three members recommended by the temporary pres-
5 ident and one of the three members recommended by the speaker shall be a
6 clinical or research expert in the field of dementia and one of the
7 three members appointed by each shall be a family member or caregiver of
8 a person suffering from Alzheimer's disease or other dementia. One
9 member shall be appointed on the recommendation of the minority leader
10 of the senate and one member shall be appointed on the recommendation of
11 the minority leader of the assembly. The commissioner of health and the
12 director of the office for the aging shall serve, ex officio, as
13 co-chairs of the council. Administrative duties shall be the responsi-
14 bility of the department. The members of the council shall receive no
15 compensation for their services.

16 § 16. Subdivision 17 of section 2541 of the public health law, as
17 added by chapter 428 of the laws of 1992, is amended to read as follows:

18 17. "State early intervention service agencies" means the departments
19 of health, education and social services and the offices of mental
20 health[, ~~mental retardation and developmental disabilities~~] and [~~office~~
21 ~~of~~] alcoholism and substance abuse services and the office for people
22 with developmental disabilities.

23 § 17. Subdivision 4 of section 2559 of the public health law, as added
24 by section 8 of part B-3 of chapter 62 of the laws of 2003, is amended
25 to read as follows:

26 4. Notwithstanding any other provision of law, the commissioner,
27 pursuant to a memorandum of understanding with the commissioner of the
28 office [~~of mental retardation and~~ for people with developmental disa-
29 bilities, shall develop and submit a medicaid home and community based
30 services waiver, pursuant to section 1915c of the social security act,
31 for the purpose of creating a waiver program to provide and finance
32 services for children who qualify for the early intervention program. In
33 further establishing eligibility criteria under the waiver program, the
34 commissioner, in conjunction with the commissioner of the office [~~of~~
35 ~~mental retardation and~~] for people with developmental disabilities,
36 shall establish health, developmental and psycho-social criteria which
37 shall permit the broadest eligibility based on criteria for the early
38 intervention program and federal standards for participation in a waiver
39 program. The waiver application shall be submitted pursuant to section
40 1915c of the social security act no later than January first, two thou-
41 sand four.

42 § 18. Section 2740 of the public health law, as added by chapter 196
43 of the laws of 1994, is amended to read as follows:

44 § 2740. Traumatic brain injury program. The department shall have the
45 central responsibility for administering the provisions of this article
46 and otherwise coordinating the state's policies with respect to traumat-
47 ic brain injury, in consultation with the office [~~of mental retardation~~
48 ~~and~~] for people with developmental disabilities, the office of mental
49 health, the department of education, the office of alcoholism and
50 substance abuse services, the department of social services, the office
51 of the advocate for the disabled and the commission on quality of care
52 for the mentally disabled.

53 § 19. Subdivision 1 of section 2744 of the public health law, as added
54 by chapter 196 of the laws of 1994, is amended to read as follows:

55 1. The traumatic brain injury services coordinating council is hereby
56 established and shall consist of the following persons or their desig-

1 nees: the commissioner, the commissioner of [~~mental retardation and~~] the
2 office for people with developmental disabilities, the office of mental
3 health, the commissioner of education, the commissioner of alcoholism
4 and substance abuse services, the commissioner of social services, the
5 state advocate for the disabled and the commission on quality of care
6 for the mentally disabled. In addition, the council shall consist of the
7 following persons: five persons appointed by the governor, three of whom
8 shall be persons with traumatic brain injury and two of whom shall be
9 representative of the public and have a demonstrated expertise and
10 interest in traumatic brain injury; two persons appointed by the tempo-
11 rary president of the senate, one of whom shall be a person with trau-
12 matic brain injury and one of whom shall be representative of the public
13 and have a demonstrated expertise and interest in traumatic brain inju-
14 ry; two persons appointed by the speaker of the assembly, one of whom
15 shall be a person with traumatic brain injury and one of whom shall be
16 representative of the public and have a demonstrated expertise and
17 interest in traumatic brain injury, one person appointed by the minority
18 leader of the senate who shall be a person with traumatic brain injury
19 or be representative of the public and have a demonstrated expertise and
20 interest in traumatic brain injury; and one person appointed by the
21 minority leader of the assembly who shall be a person with traumatic
22 brain injury or be representative of the public and have a demonstrated
23 expertise and interest in traumatic brain injury. Of the five persons
24 appointed by the governor, three shall serve for a term of one year, one
25 shall serve for a term of two years and one shall serve for a term of
26 three years. Of the two persons appointed by the temporary president of
27 the senate, one shall serve for a term of two years and one shall serve
28 for a term of three years. Of the two persons appointed by the speaker
29 of the assembly, one shall serve for a term of two years and one shall
30 serve for a term of three years. The person appointed by the minority
31 leader of the senate and the person appointed by the minority leader of
32 the assembly shall serve for a term of one year. Subsequent appointments
33 for vacancies shall be for a term of three years and shall be filled in
34 the same manner as the original appointment.

35 § 20. Subparagraph (ii) of paragraph (e) of subdivision 2-a of section
36 2807 of the public health law, as amended by section 15 of part C of
37 chapter 58 of the laws of 2009, is amended to read as follows:

38 (ii) Notwithstanding this subdivision and any other contrary provision
39 of law, the commissioner may incorporate within the payment methodology
40 described in subparagraph (i) of this paragraph payment for services
41 provided by facilities pursuant to licensure under the mental hygiene
42 law, provided, however, that such APG payment methodology may be phased
43 into effect in accordance with a schedule or schedules as jointly deter-
44 mined by the commissioner, the commissioner of mental health, the
45 commissioner of alcoholism and substance abuse services, and the commis-
46 sioner of [~~mental retardation and~~] the office for people with develop-
47 mental disabilities.

48 § 21. Paragraph (c) of subdivision 1 of section 2807-d of the public
49 health law, as added by section 193 of part A of chapter 389 of the laws
50 of 1997, is amended to read as follows:

51 (c) On and after December first, nineteen hundred ninety-seven, the
52 term "general hospital", as used in this section, includes specialty
53 hospitals for persons who are developmentally disabled, licensed by the
54 office [~~of mental retardation and~~] for people with developmental disa-
55 bilities and which are also issued an operating certificate pursuant to
56 section twenty-eight hundred five of this article.

§ 22. The opening paragraph of section 2978 of the public health law, as amended by chapter 8 of the laws of 2010, is amended to read as follows:

The commissioners of mental health and ~~[mental retardation and]~~ the office for people with developmental disabilities shall establish such regulations as may be necessary for implementation of this article with respect to those persons in mental hygiene facilities.

§ 23. The opening paragraph of subdivision 1 of section 2979 of the public health law, as amended by chapter 8 of the laws of 2010, is amended to read as follows:

The commissioners of mental health and ~~[mental retardation and]~~ the office for people with developmental disabilities shall prepare a statement summarizing the rights, duties, and requirements of this article and shall require that a copy of such statement:

§ 24. Subdivision 10 of section 2980 of the public health law, as amended by chapter 23 of the laws of 1994, is amended to read as follows:

10. "Mental hygiene facility" means a residential facility, excluding family care homes, operated or licensed by the office of mental health or the office ~~[of mental retardation and]~~ for people with developmental disabilities.

§ 25. Subdivision 2 of section 2991 of the public health law, as added by chapter 752 of the laws of 1990, is amended to read as follows:

2. Such procedures shall be established in accordance with regulations issued by the commissioners of health, mental health, and ~~[mental retardation and]~~ the office for people with developmental disabilities for facilities subject to their respective regulatory authorities.

§ 26. Section 2993 of the public health law, as added by chapter 752 of the laws of 1990, is amended to read as follows:

§ 2993. Regulations. The commissioner of health, in consultation with the commissioners of the office of mental health and the office ~~[of mental retardation and]~~ for people with developmental disabilities, shall establish such regulations as may be necessary for the implementation of this article, subject to the provisions of subdivision two of section two thousand nine hundred ninety-one of this article.

§ 27. Subdivision 20 of section 2994-a of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

20. "Mental hygiene facility" means a facility operated or licensed by the office of mental health or the office ~~[of mental retardation and]~~ for people with developmental disabilities as defined in subdivision six of section 1.03 of the mental hygiene law.

§ 28. Paragraph (c) of subdivision 3 of section 2994-b of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

(c) If a health care decision for a patient cannot be made under ~~[paragraphs]~~ paragraph (a) or (b) of this subdivision, but consent for the decision may be provided pursuant to the mental hygiene law or regulations of the office of mental health or the office ~~[of mental retardation and]~~ for people with developmental disabilities, then the decision shall be governed by such statute or regulations and not by this article.

§ 29. Subdivision 2 of section 2994-t of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

2. The commissioner, in consultation with the commissioners of the office of mental health and the office ~~[of mental retardation and]~~ for people with developmental disabilities, shall promulgate regulations

1 identifying the credentials of health care professionals qualified to
2 provide an independent determination, pursuant to subdivision three of
3 section twenty-nine hundred ninety-four-c of this article, that a
4 patient lacks decision-making capacity because of mental illness or
5 developmental disability.

6 § 30. Subdivision 12 of section 2994-aa of the public health law, as
7 added by chapter 8 of the laws of 2010, is amended to read as follows:

8 12. "Mental hygiene facility" means a residential facility operated or
9 licensed by the office of mental health or the office [~~of mental retar-~~
10 ~~dation and~~] for people with developmental disabilities.

11 § 31. Subdivision 4 of section 3 of the public lands law, as amended
12 by chapter 785 of the laws of 1982, is amended to read as follows:

13 4. Notwithstanding any other provision of this chapter or other stat-
14 ute, the commissioner of general services, upon the application of any
15 state department, or a division, bureau or agency thereof, or upon the
16 application of any state agency, may transfer to such state department,
17 division, bureau, or agency, or state agency, the jurisdiction over any
18 lands, including lands under water, abandoned canal lands and salt
19 springs reservation land, upon such terms and conditions as the commis-
20 sioner may deem just and proper and upon the consent of the department,
21 or a division, bureau or agency thereof, or any state agency, already
22 having jurisdiction over such lands and notwithstanding any other
23 provision of this chapter or other statute, authority to give such
24 consent is hereby conferred upon the head of any such state department,
25 or a division, bureau or agency thereof, or any state agency; provided,
26 however, that if the commissioner of general services determines that
27 any such land under the jurisdiction of any state department, or a divi-
28 sion, bureau or agency thereof, or any state agency other than a public
29 authority or public benefit corporation is under utilized or is not
30 being utilized in a manner consistent with the best interests of the
31 state, such commissioner may on his own initiative, and without the
32 application or consent referred to above but subject to the procedure
33 and review provided in section two-a of this article, transfer the
34 jurisdiction over such land to any other state department, or a divi-
35 sion, bureau or agency thereof, or any other state agency other than a
36 public authority or public benefit corporation. Should such land be
37 under the jurisdiction of the office of mental health or the office [~~of~~
38 ~~mental retardation and~~] for people with developmental disabilities upon
39 which a community residential facility for the disabled as defined in
40 section 41.34 of the mental hygiene law exists, the commissioner of
41 general services shall, prior to transferring the jurisdiction over such
42 land to any other state department, or a division, bureau or agency
43 thereof, or any other state agency other than a public authority or
44 public benefit corporation offer such land for sale at public auction
45 pursuant to section thirty-three of this chapter; provided, however,
46 that the provisions of section four hundred six of the eminent domain
47 procedure law shall apply to such property.

48 § 32. Subdivisions 3 and 4 of section 30-a of the public lands law, as
49 added by chapter 785 of the laws of 1982, are amended to read as
50 follows:

51 3. Upon the filing of a declaration of abandonment by the commissioner
52 of the office of mental health or by the commissioner of the office [~~of~~
53 ~~mental retardation and~~] for people with developmental disabilities of
54 state-owned lands upon which a community residential facility for the
55 disabled as defined in section 41.34 of the mental hygiene law exists,
56 and with an approval thereof by the commissioner of general services,

1 such lands shall become unappropriated state lands; and prior to being
2 transferred to the jurisdiction of another state agency shall be offered
3 for sale at public auction pursuant to section thirty-three of this
4 article; provided, however, that the provisions of section four hundred
5 six of the eminent domain procedure law shall apply to such property.

6 4. Should state-owned real property under the jurisdiction of the
7 office of mental health or the office [~~of mental retardation and~~] for
8 people with developmental disabilities and upon which a community resi-
9 dential facility for the disabled as defined in section 41.34 of the
10 mental hygiene law exists, be declared abandoned by the commissioner of
11 general services pursuant to subdivision two of this section, such real
12 property shall become unappropriated state lands; and prior to being
13 transferred to the jurisdiction of another state agency, shall be
14 offered for sale at public auction pursuant to section thirty-three of
15 this article; provided, however, that the provisions of section four
16 hundred six of the eminent domain procedure law shall apply to such
17 property.

18 § 33. Subdivision 23 of section 305 of the education law, as added by
19 chapter 515 of the laws of 1992, is amended to read as follows:

20 23. The commissioner shall have primary responsibility for the devel-
21 opment and implementation of integrated employment opportunities includ-
22 ing short-term and intensive supported employment services and, as
23 appropriate, long-term extended support services and shall coordinate
24 with the commissioner of social services, the commissioner of the office
25 of mental health and the commissioner of the office [~~of mental retarda-~~
26 ~~tion and~~] for people with developmental disabilities under an integrated
27 employment implementation plan, pursuant to article twenty-one of this
28 chapter.

29 § 34. Subparagraph (i) of paragraph (j) of subdivision 1 of section
30 414 of the education law, as added by chapter 513 of the laws of 2005,
31 is amended to read as follows:

32 (i) For the purposes of this subdivision, the term "licensed school-
33 based health, dental or mental health clinic" means a clinic that is
34 located in a school facility of a school district or board of cooper-
35 ative educational services, is operated by an entity other than the
36 school district or board of cooperative educational services and will
37 provide health, dental or mental health services during school hours
38 and/or non-school hours to school-age and preschool children, and that
39 is: (1) a health clinic approved under the provisions of chapter one
40 hundred ninety-eight of the laws of nineteen hundred seventy-eight; or
41 (2) another school-based health or dental clinic licensed by the depart-
42 ment of health pursuant to article twenty-eight of the public health
43 law; or (3) a school-based mental health clinic licensed or approved by
44 the office of mental health pursuant to article thirty-one of the mental
45 hygiene law; or (4) a school-based mental health clinic licensed by the
46 office [~~of mental retardation and~~] for people with developmental disa-
47 bilities pursuant to article sixteen of the mental hygiene law.

48 § 35. Paragraphs a and c of subdivision 2 and the closing paragraph of
49 subdivision 3 of section 1004-b of the education law, as added by chap-
50 ter 515 of the laws of 1992, are amended to read as follows:

51 a. The commissioner, in consultation with and with the agreement of
52 the commissioners of mental health, [~~mental retardation and~~] the office
53 for people with developmental disabilities and social services shall
54 develop a state interagency plan for the implementation of integrated
55 employment opportunities for individuals with severe disabilities,
56 including supported employment. Such plan shall be designed so as to

1 ensure that the state's integrated employment efforts, including the
2 supported employment program, are planned, developed and implemented
3 comprehensively, with roles and responsibilities of the respective agen-
4 cies well-defined. Such plan shall reflect the department's primary
5 responsibility for the development of integrated employment opportu-
6 nities for individuals with severe disabilities, including short-term
7 and intensive supported employment services, as well as appropriate
8 responsibilities for long term extended support services. Such plan
9 shall specify the role and responsibilities of each such agency in
10 assuring that:

11 c. The commissioner, in consultation with the commissioners of the
12 office of mental health, the office ~~[of mental retardation and]~~ for
13 people with developmental disabilities and the department of social
14 services, shall develop an audit protocol to verify the actual costs of
15 providing such programs.

16 The commissioners of the office of mental health, the office ~~[of~~
17 ~~mental retardation and]~~ for people with developmental disabilities, and
18 the department of social services shall provide any information required
19 to assist the commissioner in making such report.

20 § 36. Paragraph c and subparagraphs 1, 2 and 13 of paragraph d of
21 subdivision 5 of section 3202 of the education law, paragraph c as added
22 by chapter 66 of the laws of 1978, subparagraph 2 of paragraph c as
23 amended by section 26 of part B of chapter 57 of the laws of 2007,
24 subparagraphs 1 and 2 as amended by chapter 260 of the laws of 1993 and
25 subparagraph 13 as amended by chapter 273 of the laws of 1986 and renum-
26 bered by chapter 57 of the laws of 1993, are amended to read as follows:

27 c. (1) The education department is authorized to reimburse each school
28 district furnishing educational services to children residing in schools
29 for the mentally retarded operated by the office ~~[of mental retardation~~
30 ~~and]~~ for people with developmental disabilities for the direct cost of
31 such services in accordance with regulations promulgated by the commis-
32 sioner and approved by the director of the budget.

33 (2) The school district in which each such child resided at the time
34 the office ~~[of mental retardation and]~~ for people with developmental
35 disabilities assumed responsibility for the support and maintenance of
36 such child shall reimburse the education department for its expenditures
37 on behalf of such child, in an amount equal to the school district basic
38 contribution as such term is defined in subdivision eight of section
39 forty-four hundred one of this chapter, for any such child admitted to a
40 state school for the retarded on or after July first, nineteen hundred
41 seventy-eight. The comptroller may deduct from any state funds which
42 become due to a school district an amount equal to the reimbursement
43 required to be made by such school district in accordance with this
44 paragraph and the amount so deducted shall not be included in the
45 approved operating expense of such district for the purpose of computing
46 the approved operating expenses pursuant to paragraph t of subdivision
47 one of section thirty-six hundred two of this chapter.

48 (1) Children who reside in an intermediate care facility for the
49 mentally retarded, other than a state operated school for the mentally
50 retarded, as defined in regulations of the office ~~[of mental retardation~~
51 ~~and]~~ for people with developmental disabilities, shall be admitted to
52 the public schools, except as otherwise provided in subparagraph four-
53 teen of this paragraph. The trustees or board of education of the
54 school district in which such facility is located shall receive such
55 children in the school or schools of the district for instruction and
56 for the provision of necessary related services for a compensation to be

1 fixed by the trustees or board of education, unless such trustees or
2 board of education shall establish to the satisfaction of the commis-
3 sioner of education that there are valid and sufficient reasons for
4 refusal to receive such children. Evaluation of the educational needs
5 of such children and placement in appropriate educational programs shall
6 be made in accordance with article eighty-nine of this chapter.

7 (2) A child who resides in an individualized residential alternative
8 as defined in regulations of the office [~~of mental retardation and~~] for
9 people with developmental disabilities which is located in a school
10 district other than the school district in which such child's parent or
11 person in parental relation resided at the time such child was placed in
12 an institution under the auspices of such office shall be deemed to
13 reside in an intermediate care facility for purposes of this subdivision
14 to the extent such child is enrolled in a home and community based waiv-
15 er program approved by the Health Care Financing Administration.

16 (13) The school district providing educational services to children
17 placed pursuant to this paragraph shall provide a report on the status
18 of each such child with a handicapping condition annually to the commit-
19 tee on special education of the school district in which the child
20 resided at the time of admission to the intermediate care facility for
21 the mentally retarded. Such report shall also be sent to the parent or
22 guardian of the child and the office [~~of mental retardation and~~] for
23 people with developmental disabilities.

24 § 37. The opening paragraph of clause (c) of subparagraph 4 and the
25 opening paragraph and clauses (a) and (b) of subparagraph 5 of paragraph
26 b of subdivision 1 of section 4402 of the education law, the opening
27 paragraph of clause (c) of subparagraph 4 as amended by chapter 378 of
28 the laws of 2007, the opening paragraph and clauses (a) and (b) of
29 subparagraph 5 as amended by chapter 256 of the laws of 1988, are
30 amended to read as follows:

31 The committee on special education, with the consent of the parent or
32 person in parental relation or the student, if he or she is over the age
33 of eighteen, shall request in writing a designee of the appropriate
34 county or state agency to participate, in accordance with guidelines
35 established by the department, in any proceeding of the committee where
36 a child is at risk of residential placement. The committee shall forward
37 a copy of any such request to the office [~~of mental retardation and~~] for
38 people with developmental disabilities and the office of mental health.
39 A designee or designees of the agency may participate in any such
40 proceeding for the purpose of making recommendations concerning the
41 appropriateness of residential placement and other programs and place-
42 ment alternatives, including, but not limited to, community support
43 services that may be available to the family. Such designee or designees
44 shall not be considered members of the committee. Such designee or
45 designees shall include, but not be limited to, representatives of any
46 agency receiving coordinated children's services initiative funding as
47 referenced in the aid to localities budget, of a local interagency coor-
48 dinating body, of the social services district, the local mental health
49 agency, or health department, or of the developmental disabilities
50 service office, as appropriate. The name of such designee or designees,
51 if any, shall be made available to each committee on special education
52 in the county. In addition, with the consent of the parent or other
53 person in parental relation, the committee may confer with other appro-
54 priate providers of services to identify any services that may be of
55 benefit to the family based on the family's identification of or the
56 committee's observation of family services needs. As used in this chap-

ter, the term "county" means county as defined in section four thousand one of this ~~[article]~~ title, and the term "appropriate agency" means one of the following agencies:

The committee on special education or, in the case of a state operated school, the multidisciplinary team shall provide written notice that a child who is placed in those residential programs specified in paragraphs d, g, h and l of subdivision two of section forty-four hundred one of this article is not entitled to receive tuition free educational services after the age of twenty-one, the receipt of a high school diploma or the time described in subdivision five of this section. Such written notice shall be provided to the child and to the parents or legal guardian of such child when such child attains the age of eighteen or, if such child is over the age of eighteen when placed in such a residential program, at the time of placement. Upon the first annual review after the age of fifteen of a child who is receiving non-residential special services or programs as specified in paragraph a, b, c, d, e, f, i, j, l or m of subdivision two of section forty-four hundred one of this article, or is receiving special services or programs in a day program at the human resources school; is receiving such special services or programs one hundred per centum of the school day; is receiving individualized attention or intervention because of intensive management needs or a severe handicap; and, as determined by the committee on special education or multidisciplinary team pursuant to regulations promulgated by the commissioner, may need adult services from the office of mental health, office ~~[of mental retardation and]~~ for people with developmental disabilities, the state department of social services, a social services district, or the state education department, the committee or multidisciplinary team shall provide to such child's parent or guardian, and if such child is eighteen years of age or older, to the child, written notice that such child is not entitled to receive tuition free educational services after the receipt of a high school diploma, the age of twenty-one or the time described in subdivision five of this section.

(a) Written notice given pursuant to this subparagraph shall describe in detail the opportunity to consent to have the child's name and other relevant information forwarded in a report to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the purpose of determining whether such child will likely need adult services and, if so, recommending possible adult services. For the purposes of this subparagraph "relevant information" shall be defined as that information in the possession of and used by the committee or the multidisciplinary team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the child's handicapping condition, including but not limited to: (i) results of physical and psychological examinations performed by private and school district physicians and psychologists; (ii) relevant information presented by the parent, guardian and teacher; (iii) school data which bear on the child's progress including the child's most recent individualized education program; (iv) results of the most recent examinations and evaluations performed pursuant to clause (d) of subparagraph three of this paragraph; and (v) results of other suitable evaluations and examinations possessed by the committee or multidisciplinary team. Nothing in this subparagraph shall be construed to require any committee or multidisciplinary team to perform any examination or evaluation not otherwise required by law.

(b) Upon consent obtained pursuant to clause (c) of this subparagraph, the committee or multidisciplinary team shall forward the child's name and other relevant information in a report to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the development of a recommendation for adult services pursuant to section 7.37 or 13.37 of the mental hygiene law, section three hundred ninety-eight-c of the social services law or subdivision ten of section forty-four hundred three of this article. The committee or multidisciplinary team shall determine which commissioner shall receive the report by considering the child's handicapping condition and physical, mental, emotional and social needs. The committee shall forward additional and updated relevant information to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, ~~[commissioner]~~ commissioner of social services, or commissioner of education, or their designees, upon the request for such information by such commissioner or designee.

§ 38. The opening paragraph of clause (c) of subparagraph 4 of paragraph b of subdivision 1 of section 4402 of the education law, as amended by chapter 600 of the laws of 1994, is amended to read as follows:

The committee on special education shall request in writing a designee of the appropriate county or state agency to participate, in accordance with guidelines established by the department, in any proceeding of the committee where a child is at risk of residential placement. The committee shall forward a copy of any such request to the office ~~[of mental retardation and]~~ for people with developmental disabilities and the office of mental health. A designee or designees of the agency may participate in any such proceeding for the purpose of making recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including, but not limited to, community support services that may be available to the family. Such designee or designees shall not be considered members of the committee. Such designee or designees shall include, but not be limited to, representatives of any agency receiving coordinated children's services initiative funding as referenced in the aid to localities budget, of a local interagency coordinating body, of the social services district, the local mental health agency, or health department, or of the developmental disabilities service office, as appropriate. The name of such designee or designees, if any, shall be made available to each committee on special education in the county. In addition, with the consent of the parent or other person in parental relationship, the committee may confer with other appropriate providers of services to identify any services that may be of benefit to the family based on the family's identification of or the committee's observation of family services needs. As used in this chapter, the term "county" means county as defined in section four thousand one of this ~~[article]~~ title, and the term "appropriate agency" means one of the following agencies:

§ 39. Paragraph b of subdivision 4 of section 6503-a of the education law, as added by chapter 130 of the laws of 2010, is amended to read as follows:

b. any entity operated by a New York state or federal agency, political subdivision, municipal corporation, or local government agency or unit pursuant to authority granted by law, including but not limited to any entity operated by the office of mental health, the office ~~[of~~

1 ~~mental retardation and~~ for people with developmental disabilities, or
2 the office of alcoholism and substance abuse services under articles
3 seven, thirteen, and nineteen of the mental hygiene law, respectively.

4 § 40. Paragraph a of subdivision 3 of section 6507 of the education
5 law, as amended by chapter 554 of the laws of 2013, is amended to read
6 as follows:

7 a. Establish standards for preprofessional and professional education,
8 experience and licensing examinations as required to implement the arti-
9 cle for each profession. Notwithstanding any other provision of law, the
10 commissioner shall establish standards requiring that all persons apply-
11 ing, on or after January first, nineteen hundred ninety-one, initially,
12 or for the renewal of, a license, registration or limited permit to be a
13 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
14 trist, psychiatrist, psychologist, licensed master social worker,
15 licensed clinical social worker, licensed creative arts therapist,
16 licensed marriage and family therapist, licensed mental health counse-
17 lor, licensed psychoanalyst, dental hygienist, licensed behavior
18 analyst, or certified behavior analyst assistant shall, in addition to
19 all the other licensure, certification or permit requirements, have
20 completed two hours of coursework or training regarding the identifica-
21 tion and reporting of child abuse and maltreatment. The coursework or
22 training shall be obtained from an institution or provider which has
23 been approved by the department to provide such coursework or training.
24 The coursework or training shall include information regarding the phys-
25 ical and behavioral indicators of child abuse and maltreatment and the
26 statutory reporting requirements set out in sections four hundred thir-
27 teen through four hundred twenty of the social services law, including
28 but not limited to, when and how a report must be made, what other
29 actions the reporter is mandated or authorized to take, the legal
30 protections afforded reporters, and the consequences for failing to
31 report. Such coursework or training may also include information regard-
32 ing the physical and behavioral indicators of the abuse of individuals
33 with mental retardation and other developmental disabilities and volun-
34 tary reporting of abused or neglected adults to the office [~~of mental~~
35 ~~retardation and~~ for people with developmental disabilities or the local
36 adult protective services unit. Each applicant shall provide the depart-
37 ment with documentation showing that he or she has completed the
38 required training. The department shall provide an exemption from the
39 child abuse and maltreatment training requirements to any applicant who
40 requests such an exemption and who shows, to the department's satisfac-
41 tion, that there would be no need because of the nature of his or her
42 practice for him or her to complete such training;

43 § 41. Subdivision b of section 6738 of the education law, as amended
44 by chapter 532 of the laws of 1999, is amended to read as follows:

45 b. Notwithstanding the provisions of subdivision a of this section,
46 supervision of a physical therapist assistant by a licensed physical
47 therapist, (i) in a residential health care facility, as defined in
48 article twenty-eight of the public health law, (ii) in a diagnostic and
49 treatment center licensed under article twenty-eight of the public
50 health law that provides, as its principal mission, services to individ-
51 uals with developmental disabilities, (iii) in a facility, as defined in
52 section 1.03 of the mental hygiene law, or (iv) under a monitored
53 program of the office [~~of mental retardation and~~ for people with devel-
54 opmental disabilities as defined in subdivision (a) of section 13.15 of
55 the mental hygiene law, shall be continuous but not necessarily on site
56 when the supervising physical therapist has determined, through evalu-

1 ation, the setting of goals and the establishment of a treatment plan,
2 that the program is one of maintenance as defined pursuant to title
3 XVIII of the federal social security act. The provisions of this subdi-
4 vision shall not apply to the provision of physical therapy services
5 when the condition requires multiple adjustments of sequences and proce-
6 dures due to rapidly changing physiological status and/or response to
7 treatment, or to children under five years of age.

8 § 42. Paragraph 1 of subdivision a of section 89-t of the retirement
9 and social security law, as added by chapter 657 of the laws of 1998, is
10 amended to read as follows:

11 1. "Qualifying member" shall mean any member who is in service as a
12 safety officer under the jurisdiction of the office of mental health or
13 the office [~~of mental retardation and~~] for people with developmental
14 disabilities, an institutional safety officer, or a special policeman
15 designated by the director of a state hospital.

16 § 43. Subdivision (e) of section 17 of the social services law, as
17 added by chapter 515 of the laws of 1992, is amended to read as follows:

18 (e) work cooperatively with the commissioner of the office of mental
19 health and the commissioner of the office [~~of mental retardation and~~]
20 for people with developmental disabilities to assist the commissioner of
21 education in furnishing integrated employment services to individuals
22 with severe disabilities, including the development of an integrated
23 employment implementation plan pursuant to article twenty-one of the
24 education law;

25 § 44. Paragraph (h) of subdivision 3 of section 34 of the social
26 services law, as added by chapter 600 of the laws of 1994, is amended to
27 read as follows:

28 (h) in consultation with the department of education, the department
29 of health, the division for youth, the office [~~of mental retardation~~
30 ~~and~~] for people with developmental disabilities and the office of mental
31 health, establish guidelines for the acceptance by social services offi-
32 cials of notices that children in foster care are at risk of educational
33 placements, as provided for in subparagraph four of paragraph b of
34 subdivision one of section forty-four hundred two of the education law.
35 Such guidelines shall be designed to assure that the social services
36 district receiving such a notice inquire into the educational needs of
37 the child and the circumstances of the foster care placement, and to
38 assure that the social services district responds as appropriate to any
39 request by a committee on special education to participate in the
40 proceedings of the committee;

41 § 45. The opening paragraph of paragraph (c) of subdivision 1 of
42 section 122 of the social services law, as amended by chapter 214 of the
43 laws of 1998, is amended to read as follows:

44 The following persons, not described in paragraph (a) or (b) of this
45 subdivision, shall, if otherwise eligible, be eligible for safety net
46 assistance and medical assistance, except that medical assistance shall
47 be limited to care and services (not including care and services related
48 to an organ transplant procedure) necessary for the treatment of an
49 emergency medical condition as that term is defined in section 1903 of
50 the federal social security act unless and until federal financial
51 participation is available for the costs of providing medical assistance
52 provided, however, that any such person who, on the fourth day of
53 August, nineteen hundred ninety-seven was residing in a residential
54 health care facility licensed by the department of health or in a resi-
55 dential facility licensed, operated or funded by the office of mental
56 health or the office [~~of mental retardation and~~] for people with devel-

1 opmental disabilities, and was in receipt of a medical assistance
2 authorization based on a finding that he or she was a person permanently
3 residing in the United States under color of law shall, if otherwise
4 eligible, be eligible for medical assistance and provided, further, that
5 any such person who, on the fourth day of August, nineteen hundred nine-
6 ty-seven, was diagnosed as having AIDS, as defined in subdivision one of
7 section two thousand seven hundred eighty of the public health law, and
8 was in receipt of medical assistance authorization pursuant to title
9 eleven of article five of this chapter based on a finding that he or she
10 was a person permanently residing in the United States under color of
11 law shall, if otherwise eligible, be eligible for medical assistance:

12 § 46. Subdivision 1 of section 138-a of the social services law, as
13 amended by chapter 791 of the laws of 1983, is amended to read as
14 follows:

15 1. Any inconsistent provision of this chapter or other law notwith-
16 standing, the department shall be responsible for furnishing public
17 assistance and care to mentally disabled persons residing in family care
18 homes licensed by the office of mental health or the office [~~of mental~~
19 ~~retardation and~~] for people with developmental disabilities who are
20 admitted to such facilities in accordance with regulations of the office
21 which licenses the facility. However, the department may, at its option,
22 discharge such responsibility, in whole or in part, through social
23 services districts designated to act as agents of the department. While
24 so designated, a social services district shall act as agent of the
25 department and shall be entitled to reimbursement as provided in section
26 one hundred fifty-three of this chapter.

27 § 47. Subdivision 2-a and paragraph (e) of subdivision 3 of section
28 209 of the social services law, subdivision 2-a as amended by chapter
29 450 of the laws of 1987 and paragraph (e) of subdivision 3 as amended by
30 section 48 of part C of chapter 58 of the laws of 2005, are amended to
31 read as follows:

32 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
33 of paragraph (d) of subdivision one of this section, an individual who
34 is receiving or is eligible to receive federal supplemental security
35 income payments and/or additional state payments and who is a resident
36 of a residential health care facility as defined by section twenty-eight
37 hundred one of the public health law, shall, in accordance with regu-
38 lations of the department, be entitled to a state payment for personal
39 needs in the amount of fifteen dollars a month, provided, however, that
40 on or after January first, nineteen hundred eighty-eight the state
41 payment for personal needs for such persons shall be in the amount of
42 twenty-five dollars a month. Notwithstanding any inconsistent provision
43 of subparagraph (ii) of paragraph (d) of subdivision one of this
44 section, on or after January first, nineteen hundred eighty-eight, a
45 resident of an intermediate care facility operated or issued an operat-
46 ing certificate by the office [~~of mental retardation and~~] for people
47 with developmental disabilities or a patient of a hospital operated by
48 the office of mental health as defined in subdivision ten of section
49 1.03 of the mental hygiene law who is receiving or is eligible to
50 receive supplemental security income payments and/or additional state
51 payments shall receive a state payment for personal needs in the amount
52 of five dollars a month. The department is authorized to promulgate
53 necessary regulations to provide for the time and manner for payment of
54 such personal allowance to such individuals.

55 (e) "Receiving enhanced residential care" shall mean residing in a
56 privately operated school for the mentally retarded and developmentally

1 disabled which is certified by the office [~~of mental retardation and~~
2 for people with developmental disabilities of the department of mental
3 hygiene, in accordance with applicable provisions of law and regulations
4 or an adult home, or enriched housing program certified by the depart-
5 ment of health in accordance with applicable law, rules and regulations
6 to the extent permitted by federal law and regulations.

7 § 48. Paragraph (l) of subdivision 1 of section 364-j of the social
8 services law, as amended by chapter 649 of the laws of 1996, is amended
9 to read as follows:

10 (l) "Responsible special care agency". Whichever of the following
11 state agencies has responsibility for the special care in question: the
12 department of health, the office of mental health, the office [~~of mental~~
13 ~~retardation and~~] for people with developmental disabilities, or the
14 office of alcoholism and substance abuse services.

15 § 49. Paragraph (a) of subdivision 9 of section 365-a of the social
16 services law, as added by section 14 of part B of chapter 109 of the
17 laws of 2010, is amended to read as follows:

18 (a) Notwithstanding any inconsistent provision of law, any utilization
19 controls on occupational therapy or physical therapy, including but not
20 limited to, prior approval of services, utilization thresholds or other
21 limitations imposed on such therapy services in relation to a chronic
22 condition in clinics certified under article twenty-eight of the public
23 health law or article sixteen of the mental hygiene law shall be: (i)
24 developed by the department of health in concurrence with the office [~~of~~
25 ~~mental retardation and~~] for people with developmental disabilities; and
26 (ii) in accord with nationally recognized professional standards. In the
27 event that nationally recognized professional standards do not exist,
28 such thresholds shall be based upon the reasonably recognized profes-
29 sional standards of those with a specific expertise in treating individ-
30 uals served by clinics certified under article twenty-eight of the
31 public health law or article sixteen of the mental hygiene law.

32 § 50. Clauses (i) and (ii) of subparagraph 10 of paragraph (a) of
33 subdivision 2, clause (ix) of paragraph b and paragraphs d, e, f, g, i,
34 k, l and m of subdivision 7 of section 366 of the social services law,
35 clause (i) as added by chapter 705 of the laws of 1988, clause (ii) as
36 amended by chapter 855 of the laws of 1990, clause (ix) of paragraph b
37 and paragraphs d, e, f, g, i, k, l and m of subdivision 7 as amended by
38 chapter 324 of the laws of 2004, are amended to read as follows:

39 (i) A person who is receiving or is eligible to receive federal
40 supplemental security income payments and/or additional state payments
41 is entitled to a personal needs allowance as follows:

42 (A) for the personal expenses of a resident of a residential health
43 care facility, as defined by section twenty-eight hundred one of the
44 public health law, the amount of fifty-five dollars per month;

45 (B) for the personal expenses of a resident of an intermediate care
46 facility operated or licensed by the office [~~of mental retardation and~~
47 for people with developmental disabilities or a patient of a hospital
48 operated by the office of mental health, as defined by subdivision ten
49 of section 1.03 of the mental hygiene law, the amount of thirty-five
50 dollars per month.

51 (ii) A person who neither receives nor is eligible to receive federal
52 supplemental security income payments and/or additional state payments
53 is entitled to a personal needs allowance as follows:

54 (A) for the personal expenses of a resident of a residential health
55 care facility, as defined by section twenty-eight hundred one of the
56 public health law, the amount of fifty dollars per month;

1 (B) for the personal expenses of a resident of an intermediate care
2 facility operated or licensed by the office [~~of mental retardation and~~]
3 for people with developmental disabilities or a patient of a hospital
4 operated by the office of mental health, as defined by subdivision ten
5 of section 1.03 of the mental hygiene law, the amount of thirty-five
6 dollars per month.

7 (ix) meet such other criteria as may be established by the commission-
8 er of health, in conjunction with the commissioner of [~~mental retarda-~~
9 ~~tion and~~] the office for people with developmental disabilities, as may
10 be necessary to administer the provisions of this subdivision in an
11 equitable manner, including those criteria established pursuant to para-
12 graph d of this subdivision.

13 d. The commissioner of health, in conjunction with the commissioner of
14 [~~mental retardation and~~] the office for people with developmental disa-
15 bilities, shall establish selection criteria to ensure that participants
16 are those who are most in need and reflect an equitable geographic
17 distribution. Such selection criteria shall include, but not be limited
18 to, the imminent risk of institutionalization, the financial burden
19 imposed upon the family as a result of the child's health care needs,
20 and the level of stress within the family unit due to the unrelieved
21 burden of caring for the child at home.

22 e. Social services districts, in consultation with the office [~~of~~
23 ~~mental retardation and~~] for people with developmental disabilities,
24 shall assess the eligibility of persons in accordance with the
25 provisions of paragraph b of this subdivision, as well as the selection
26 criteria established by the commissioner of health and the commissioner
27 of [~~mental retardation and~~] the office for people with developmental
28 disabilities as required by paragraph d of this subdivision.

29 f. The commissioner of health, in conjunction with the commissioner of
30 [~~mental retardation and~~] the office for people with developmental disa-
31 bilities, shall designate persons to assess the eligibility of persons
32 under consideration for participation in the waiver program. Persons
33 designated by such commissioners may include the person's physician, a
34 representative of the social services district, representative of the
35 appropriate developmental disabilities services office and such other
36 persons as the commissioners deem appropriate. The assessment shall
37 include, but need not be limited to, an evaluation of the health,
38 psycho-social, developmental, habilitation and environmental needs of
39 the person and shall serve as the basis for the development and
40 provision of an appropriate plan of care for such person.

41 g. Prior to a person's participation in the waiver program, the office
42 [~~of mental retardation and~~] for people with developmental disabilities
43 shall undertake or arrange for the development of a written plan of care
44 for the provision of services consistent with the level of care deter-
45 mined by the assessment, in accordance with criteria established by the
46 commissioner of health, in consultation with the commissioner of [~~mental~~
47 ~~retardation and~~] the office for people with developmental disabilities.
48 Such plan of care shall be reviewed by such commissioners prior to the
49 provision of services pursuant to the waiver program.

50 i. The office [~~of mental retardation and~~] for people with develop-
51 mental disabilities shall designate who may provide the home and commu-
52 nity-based services identified in paragraph h of this subdivision,
53 subject to the approval of the commissioner of health.

54 k. Before a person may participate in the waiver program specified in
55 paragraph a of this subdivision, the office [~~of mental retardation and~~]
56 for people with developmental disabilities shall determine that there is

1 a reasonable expectation that the annual medical assistance expenditures
2 for such person under the waiver would not exceed the expenditures for
3 care in an intermediate care facility for the developmentally disabled
4 that would have been made had the waiver not been granted.

5 1. The commissioner of health, in conjunction with the commissioner of
6 ~~[mental retardation and]~~ the office for people with developmental disa-
7 bilities, shall review the plans of care and expenditure estimates prior
8 to the participation of any person in the waiver program.

9 m. Within one year of federal waiver approval, and on an annual basis
10 thereafter, until such time as the waiver program is fully implemented,
11 the commissioner of health, in conjunction with the commissioner of
12 ~~[mental retardation and]~~ the office for people with developmental disa-
13 bilities, shall report on the status of the waiver program to the gover-
14 nor and the legislature. Such report shall specify the number of chil-
15 dren participating in the waiver program, the geographic distribution of
16 those so participating, health profiles, service costs and length of
17 time the children have participated in the waiver program. The report
18 shall also provide follow-up information on children who have withdrawn
19 from the waiver program, including data on residential program place-
20 ments.

21 § 51. The closing paragraph of subdivision 4 of section 366-c of the
22 social services law, as amended by section 42 of part D of chapter 58 of
23 the laws of 2009, is amended to read as follows:

24 provided, however, that, to the extent required by federal law, the
25 terms of this subdivision shall not apply to persons who are receiving
26 care, services and supplies pursuant to the following waivers under
27 section 1915(c) of the federal social security act: the nursing facility
28 transition and diversion waiver authorized pursuant to subdivision six-a
29 of section three hundred sixty-six of this title; the traumatic brain
30 injury waiver authorized pursuant to section twenty-seven hundred forty
31 of the public health law, the long term home health care program waiver
32 authorized pursuant to section three hundred sixty-seven-c of this
33 title, and the home and community based services waiver for persons with
34 developmental disabilities administered by the office ~~[of mental retar-~~
35 ~~dation and]~~ for people with developmental disabilities pursuant to an
36 agreement with the federal centers for medicare and Medicaid services.

37 § 52. Subparagraph (iii) of paragraph (b) of subdivision 6 of section
38 367-a of the social services law, as amended by section 15 of part B of
39 chapter 57 of the laws of 2015, is amended to read as follows:

40 (iii) individuals who are inpatients in a medical facility who have
41 been required to spend all of their income for medical care, except
42 their personal needs allowance or residents of community based residen-
43 tial facilities licensed by the office of mental health or the office
44 ~~[of mental retardation and]~~ for people with developmental disabilities
45 who have been required to spend all of their income, except their
46 personal needs allowance;

47 § 53. Paragraph (h) of subdivision 1 of section 368-a of the social
48 services law, as amended by section 22 of part H of chapter 686 of the
49 laws of 2003, is amended to read as follows:

50 (h) (i) Beginning January first, nineteen hundred eighty-four, one
51 hundred per centum of the amount expended for medical assistance for
52 those individuals who are eligible pursuant to section three hundred
53 sixty-six of this article as a result of a mental disability as deter-
54 mined by the commissioner in consultation with the commissioner of the
55 office of mental health and the commissioner of the office ~~[of mental~~
56 ~~retardation and]~~ for people with developmental disabilities and with the

1 approval of the director of the budget after first deducting therefrom
2 any federal funds properly received or to be received on account there-
3 of.

4 (ii) Notwithstanding any other provision of law to the contrary, on
5 and after the effective date of this subparagraph, the department of
6 health shall make no further recovery or recoupment of monies that were
7 advanced to local social services districts, during the period from
8 April first, nineteen hundred ninety-two to the effective date of this
9 subparagraph, to cover the medical assistance costs pursuant to this
10 paragraph for rehabilitative services for residents of community resi-
11 dences licensed or operated by the office of mental health or for office
12 ~~[of mental retardation and]~~ for people with developmental disabilities
13 home and community based waiver services.

14 § 54. Subclause 2 of clause (c) of subparagraph (ii) of paragraph (a)
15 of subdivision 1 of section 390 of the social services law, as added by
16 chapter 750 of the laws of 1990, is amended to read as follows:

17 (2) providing day treatment under an operating certificate issued by
18 the office of mental health or office ~~[of mental retardation and]~~ for
19 people with developmental disabilities; or

20 § 55. Paragraph (c) of subdivision 13 and subdivision 14 of section
21 398 of the social services law, paragraph (c) of subdivision 13 as added
22 by chapter 544 of the laws of 1982, subdivision 14 as added by chapter
23 570 of the laws of 1983, paragraph (a) as amended by chapter 387 of the
24 laws of 1999 and such subdivisions as renumbered by chapter 419 of the
25 laws of 1987, are amended to read as follows:

26 (c) When a child's report is submitted to the council on children and
27 families pursuant to this subdivision, the council shall cooperate with
28 adult service providers, such as the department of social services, the
29 office ~~[of mental retardation]~~ for people with and developmental disa-
30 bilities, the office of mental health and the office of vocational reha-
31 bilitation of the education department in planning and coordinating such
32 child's return to New York state for adult services. The council shall
33 arrange with the appropriate state agency for the development of a
34 recommendation of all appropriate in-state programs operated, licensed,
35 certified or authorized by such agency and which may be available when
36 such child attains the age of twenty-one. Such recommendation of all
37 programs shall be made available to the parent or guardian of such child
38 at least six months before such child attains the age of twenty-one. All
39 records, reports and information received, compiled or maintained by the
40 council pursuant to this subdivision shall be subject to the confiden-
41 tiality requirements of the department.

42 14. (a) In the case of a child who is developmentally disabled as
43 such term is defined in section 1.03 of the mental hygiene law,
44 emotionally disturbed or physically handicapped and who is receiving
45 care in a group home, agency boarding home, or any child care facility
46 operated by an authorized agency with a capacity of thirteen or more
47 children, who attains the age of eighteen and who will continue in such
48 care after the age of eighteen, or who is placed in such care after the
49 age of eighteen, the social services official shall notify the parent or
50 guardian of such child that such care will terminate when such child
51 attains the age of twenty-one provided, however, that any such child in
52 receipt of educational services and under the care and custody of a
53 local department of social services who reaches the age of twenty-one
54 during the period commencing on the first day of September and ending on
55 the thirtieth day of June shall be entitled to continue in such program
56 until the thirtieth day of June or until the termination of the school

1 year, whichever shall first occur. Such notice shall be in writing and shall describe in detail the parent's or guardian's opportunity to consent to having such child's name and other information forwarded in a report to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, commissioner of education or commissioner of the office of children and family services or their designees for the purpose of determining whether such child will likely need services after the age of twenty-one and, if so, recommending possible adult services.

(b) Upon the written consent of the parent or guardian, and notwithstanding section three hundred seventy-two of this article, the social services official shall submit a report on such child's possible need for services after age twenty-one to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, commissioner of social services or commissioner of education or their designees for the development of a recommendation pursuant to section 7.37 or 13.37 of the mental hygiene law, section three hundred ninety-eight-c of this ~~[article]~~ title or subdivision ten of section four thousand four hundred three of the education law. The social services official shall determine which commissioner shall receive the report by considering the child's handicapping condition. If the social services official determines that the child will need adult services from the department and such social services official is the commissioner's designee pursuant to this subdivision and section three hundred ninety-eight-c of this ~~[article]~~ title, such social services official shall perform the services described in section three hundred ninety-eight-c of this ~~[article]~~ title.

(c) A copy of such report shall also be submitted to the department at the same time that such report is submitted to the commissioner of mental health, commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities or commissioner of education or their designees.

(d) When the social services official is notified by the commissioner who received the report that such state agency is not responsible for determining and recommending adult services for the child, the social services official shall forward the report to another commissioner; or, if the social services official determines that there exists a dispute between state agencies as to which state agency has the responsibility for determining and recommending adult services, the social services official may forward the report to the council on children and families for a resolution of such dispute.

(e) The social services official shall prepare and submit an annual report to the department on October first, nineteen hundred eighty-four and thereafter on or before October first of each year. Such annual report shall contain the number of cases submitted to each commissioner pursuant to paragraph (b) of this subdivision, the type and severity of the handicapping condition of each such case, the number of notices received which deny responsibility for determining and recommending adult services, and other information necessary for the department and the council on children and families to monitor the need for adult services, but shall not contain personally identifying information. The department shall forward copies of such annual reports to the council on children and families. All information received by the council on children and families pursuant to this paragraph shall be subject to the confidentiality requirements of the department.

1 § 56. Subdivision 1 of section 463 of the social services law, as
2 amended by chapter 465 of the laws of 1992, is amended to read as
3 follows:

4 1. "Community residential facility" means any facility operated or
5 subject to licensure by the state which provides a supervised residence
6 for mentally, emotionally, physically, or socially disabled persons or
7 for persons in need of supervision or juvenile delinquents. This term
8 includes, but is not limited to, community residences for the mentally
9 disabled operated or licensed by the offices of mental health or [~~mental~~
10 ~~retardation and~~] office for people with developmental disabilities or by
11 the divisions of the office of alcoholism and substance abuse, agency
12 operated boarding homes, group homes or private proprietary homes for
13 adults operated or licensed by the department of social services, group
14 homes operated by, contracted for or licensed by the division for youth
15 and half-way houses operated or licensed by the division of substance
16 abuse services.

17 § 57. Section 466-a of the social services law, as amended by chapter
18 405 of the laws of 1998, is amended to read as follows:

19 § 466-a. Agreements. The department shall enter into memorandums of
20 understanding with the office of mental health and the office [~~of mental~~
21 ~~retardation and~~] for people with developmental disabilities. The memo-
22 randums with the office [~~of mental retardation and~~] for people with
23 developmental disabilities and the office of mental health shall facili-
24 tate access by those offices to child care facilities providing transi-
25 tional care to young adults as may be necessary for those offices to
26 meet their responsibilities for monitoring the care of the young adults.

27 § 58. Subdivision 1 of section 483 of the social services law, as
28 amended by section 62 of part A of chapter 56 of the laws of 2010, is
29 amended to read as follows:

30 1. There shall be a council on children and families established with-
31 in the office of children and family services consisting of the follow-
32 ing members: the state commissioner of children and family services, the
33 commissioner of temporary and disability assistance, the commissioner of
34 mental health, the commissioner of [~~mental retardation and~~] the office
35 for people with developmental disabilities, the commissioner of the
36 office of alcoholism and substance abuse services, the commissioner of
37 education, the director of the office of probation and correctional
38 alternatives, the commissioner of health, the commissioner of the divi-
39 sion of criminal justice services, the state advocate for persons with
40 disabilities, the director of the office for the aging, the commissioner
41 of labor, and the chair of the commission on quality of care for the
42 mentally disabled. The governor shall designate the chair of the council
43 and the chief executive officer (CEO).

44 § 59. Subparagraph (i) of paragraph (a) of subdivision 3 of section
45 483-c of the social services law, as amended by section 63 of part A of
46 chapter 56 of the laws of 2010, is amended to read as follows:

47 (i) State tier III team. There is hereby established a state team
48 designated as the "tier III team", which shall consist of the chair of
49 the council, the commissioners of children and family services, mental
50 health, health, education, alcohol and substance abuse services, and
51 [~~mental retardation and~~] the office for people with developmental disa-
52 bilities, and the director of the office of probation and correctional
53 alternatives, or their designated representatives, and representatives
54 of families of children with emotional and/or behavioral disorders.
55 Other representatives may be added at the discretion of such team.

§ 60. Subdivision 1 of section 483-d of the social services law, as amended by section 18 of part A of chapter 56 of the laws of 2010, is amended to read as follows:

1. Committee established. There is hereby established within the council an out-of-state placement committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of health, and the director of the office of probation and correctional alternatives.

§ 61. Subdivision 1 of section 483-e of the social services law, as added by chapter 624 of the laws of 2006, is amended to read as follows:

1. Committee established. There is hereby established within the council a restraint and crisis intervention technique committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, the commissioner of education and the commissioner of health. The committee shall include at least two representatives of statewide and regional provider organizations that represent providers of educational and residential services to children, at least two mental health professionals who provide direct care on a regular basis to children served by the program types provided in subdivision two of this section and at least one representative of parents of children requiring special services.

§ 62. Subdivision 1 of section 483-f of the social services law, as added by chapter 413 of the laws of 2009, is amended to read as follows:

1. The council, in accordance with section 7.43 of the mental hygiene law, shall assist the commissioner of mental health with the implementation of the children's plan, developed pursuant to chapter six hundred sixty-seven of the laws of two thousand six. State child-serving agencies involved in the development of such plan shall assist, as needed, with such plan's implementation and such agencies shall sign off on all future reports and plans. Such agencies shall include, but not be limited to, the office of mental health, the office ~~[of mental retardation and]~~ for people with developmental disabilities, the office of alcoholism and substance abuse services, the commission on quality of care and advocacy for persons with disabilities, the office of children and family services, the state education department, the department of health, and the department of probation and correctional alternatives.

§ 63. Subdivision (1) of section 3 of the cooperative corporations law, as added by chapter 225 of the laws of 1987, is amended to read as follows:

(1) The terms "buying, selling or leasing homes for its members" and "conducting housing" shall include but not be limited to, the purposes and uses of residential facilities for the mentally disabled licensed by the office of mental health or the office ~~[of mental retardation and]~~ for people with developmental disabilities.

§ 64. Subdivision 1 of section 206 of the elder law is amended to read as follows:

1. The director is hereby authorized and directed, to the extent appropriations are available therefor, to develop, establish and operate training and technical assistance programs, including caregiver resource centers, caregiver networks, and other support activities, for informal caregivers throughout the state for the purposes of assisting such caregivers and improving the quality of care provided to frail and disabled

1 persons. The director shall also make available and encourage the utili-
2 zation of such training programs in consultation with the commissioner
3 of health, the commissioner of the office of children and family
4 services, the commissioner of mental health, and the commissioner of
5 ~~[mental retardation and]~~ the office for people with developmental disa-
6 bilities.

7 § 65. Subdivision 6 of section 622 of the correction law, as added by
8 chapter 7 of the laws of 2007, is amended to read as follows:

9 6. Staff of the office of mental health and the office ~~[of mental~~
10 ~~retardation and]~~ for people with developmental disabilities may be
11 consulted about the inmate's treatment needs and may assist in providing
12 any additional treatment services determined to be clinically appropri-
13 ate to address the inmate's underlying mental abnormality or disorder.
14 Such treatment services shall be provided using professionally accepted
15 treatment protocols.

16 § 66. Subdivision 12 of section 2.10 of the criminal procedure law, as
17 added by chapter 843 of the laws of 1980, is amended to read as follows:

18 12. Special policemen designated by the commissioner and the directors
19 of in-patient facilities in the office of mental health pursuant to
20 section 7.25 of the mental hygiene law, and special policemen designated
21 by the commissioner and the directors of facilities under his jurisdic-
22 tion in the office ~~[of mental retardation and]~~ for people with develop-
23 mental disabilities pursuant to section 13.25 of the mental hygiene law;
24 provided, however, that nothing in this subdivision shall be deemed to
25 authorize such officers to carry, possess, repair or dispose of a
26 firearm unless the appropriate license therefor has been issued pursuant
27 to section 400.00 of the penal law.

28 § 67. Paragraphs (a), (b), and (d) of subdivision 1 of section 330.20
29 of the criminal procedure law, as added by chapter 548 of the laws of
30 1980, are amended to read as follows:

31 (a) "Commissioner" means the state commissioner of mental health or
32 the state commissioner of ~~[mental retardation and]~~ the office for people
33 with developmental ~~[disability]~~ disabilities.

34 (b) "Secure facility" means a facility within the state office of
35 mental health or the state office ~~[of mental retardation and]~~ for people
36 with developmental disabilities which is staffed with personnel
37 adequately trained in security methods and is so equipped as to minimize
38 the risk or danger of escapes, and which has been so specifically desig-
39 nated by the commissioner.

40 (d) "Mentally ill" means that a defendant currently suffers from a
41 mental illness for which care and treatment as a patient, in the in-pa-
42 tient services of a psychiatric center under the jurisdiction of the
43 state office of mental health, is essential to such defendant's welfare
44 and that his judgment is so impaired that he is unable to understand the
45 need for such care and treatment; and, where a defendant is mentally
46 retarded, the term "mentally ill" shall also mean, for purposes of this
47 section, that the defendant is in need of care and treatment as a resi-
48 dent in the in-patient services of a developmental center or other resi-
49 dential facility for the mentally retarded and developmentally disabled
50 under the jurisdiction of the state office ~~[of mental retardation and]~~
51 for people with developmental disabilities.

52 § 68. Section 725.15 of the criminal procedure law, as amended by
53 chapter 7 of the laws of 2007, is amended to read as follows:

54 § 725.15 Sealing of records.

55 Except where specifically required or permitted by statute or upon
56 specific authorization of the court that directed removal of an action

1 to the family court all official records and papers of the action up to
2 and including the order of removal, whether on file with the court, a
3 police agency or the division of criminal justice services, are confi-
4 dential and must not be made available to any person or public or
5 private agency, provided however that availability of copies of any such
6 records and papers on file with the family court shall be governed by
7 provisions that apply to family court records, and further provided that
8 all official records and papers of the action shall be included in those
9 records and reports that may be obtained upon request by the commission-
10 er of mental health or commissioner of [~~mental retardation and~~] the
11 office for people with developmental disabilities, as appropriate; the
12 case review panel; and the attorney general pursuant to section 10.05 of
13 the mental hygiene law.

14 § 69. Subdivisions 3 and 4 of section 730.10 of the criminal procedure
15 law, as amended by chapter 440 of the laws of 1987, are amended to read
16 as follows:

17 3. "Commissioner" means the state commissioner of mental health or the
18 state commissioner of [~~mental retardation and~~] the office for people
19 with developmental disabilities.

20 4. "Director" means (a) the director of a state hospital operated by
21 the office of mental health or the director of a developmental center
22 operated by the office [~~of mental retardation and~~] for people with
23 developmental disabilities, or (b) the director of a hospital operated
24 by any local government of the state that has been certified by the
25 commissioner as having adequate facilities to examine a defendant to
26 determine if he is an incapacitated person, or (c) the director of
27 community mental health services.

28 § 70. Subdivision (a) of section 249 of the family court act, as sepa-
29 rately amended by chapter 41 of the laws of 2010 and chapter 3 of the
30 laws of 2012, is amended to read as follows:

31 (a) In a proceeding under article three, seven, ten, ten-A or ten-C of
32 this act or where a revocation of an adoption consent is opposed under
33 section one hundred fifteen-b of the domestic relations law or in any
34 proceeding under section three hundred fifty-eight-a, three hundred
35 eighty-three-c, three hundred eighty-four or three hundred eighty-four-b
36 of the social services law or when a minor is sought to be placed in
37 protective custody under section one hundred fifty-eight of this act,
38 the family court shall appoint an attorney to represent a minor who is
39 the subject of the proceeding or who is sought to be placed in protec-
40 tive custody, if independent legal representation is not available to
41 such minor. In any proceeding to extend or continue the placement of a
42 juvenile delinquent or person in need of supervision pursuant to section
43 seven hundred fifty-six or 353.3 of this act or any proceeding to extend
44 or continue a commitment to the custody of the commissioner of mental
45 health or the commissioner of [~~mental retardation and~~] the office for
46 people with developmental disabilities pursuant to section 322.2 of this
47 act, the court shall not permit the respondent to waive the right to be
48 represented by counsel chosen by the respondent, respondent's parent, or
49 other person legally responsible for the respondent's care, or by
50 assigned counsel. In any proceeding under article ten-B of this act, the
51 family court shall appoint an attorney to represent a youth, under the
52 age of twenty-one, who is the subject of the proceeding, if independent
53 legal representation is not available to such youth. In any other
54 proceeding in which the court has jurisdiction, the court may appoint an
55 attorney to represent the child, when, in the opinion of the family
56 court judge, such representation will serve the purposes of this act, if

1 independent legal counsel is not available to the child. The family
2 court on its own motion may make such appointment.

3 § 71. Subdivisions 2-a and 2-b of section 3 of section 1 of chapter
4 359 of the laws of 1968, constituting the facilities development corpo-
5 ration act, as added by chapter 547 of the laws of 1979, are amended to
6 read as follows:

7 2-a. "Department" means the department of mental hygiene and the
8 offices of mental health, [~~mental retardation and developmental disabili-~~
9 ~~ties~~] and alcoholism and substance abuse and the office for people with
10 developmental disabilities of such department.

11 2-b. "Commissioner" means the commissioner of mental health, the
12 commissioner of [~~mental retardation and~~] the office for people with
13 developmental disabilities, the director of the division of alcoholism
14 and alcohol abuse and the director of the division of substance abuse.

15 § 72. Subdivision 13-f of section 5 of section 1 of chapter 359 of the
16 laws of 1968, constituting the facilities development corporation act,
17 as added by chapter 90 of the laws of 1989, is amended to read as
18 follows:

19 13-f. The executive director of the facilities development corporation
20 is authorized and empowered to enter into and implement agreements under
21 which the facilities development corporation may designate the commis-
22 sioner of the office of mental health, the commissioner of the office
23 [~~of mental retardation and~~] for people with developmental disabilities,
24 the director of the division of substance abuse services, or the direc-
25 tor of the division of alcoholism and alcohol abuse, with respect to
26 their respective facilities, as agents for the facilities development
27 corporation with respect to the financing of voluntary provider not-for-
28 profit community development, and under which such commissioners and
29 directors may act as its agent, with respect to any and all duties for
30 such corporation as set forth and contained in this act. The commis-
31 sioners, the directors, and the executive director shall enter into such
32 agreements, subject to the approval of the director of the budget, which
33 delineate the respective duties of each party when such commissioners
34 and directors are designated agents of such corporation.

35 § 73. Subdivision 6 of section 5-a of section 1 of chapter 392 of the
36 laws of 1973, constituting the medical care facilities finance agency
37 act, as added by chapter 855 of the laws of 1986, is amended to read as
38 follows:

39 6. As used in this section or in connection with federally-aided mort-
40 gage loan regarding residential facilities for the mentally retarded and
41 developmentally disabled or the mentally disabled or for the care,
42 treatment, training and education of the mentally retarded and develop-
43 mentally disabled or the mentally disabled the term "commissioner" shall
44 also mean the commissioner of mental health or the commissioner of
45 [~~mental retardation and~~] the office for people with developmental disa-
46 bilities.

47 § 74. Subdivision cc of section 17-502 of the administrative code of
48 the city of New York, as added by local law number 47 of the city of New
49 York for the year 2002, is amended to read as follows:

50 cc. "Day treatment program" means a facility which is (i) licensed by
51 the state department of health or the office of alcoholism and substance
52 abuse services, the office of mental health, or the office [~~of mental~~
53 ~~retardation and~~] for people with developmental disabilities within the
54 state department of mental hygiene to provide treatment to aid in the
55 rehabilitation or recovery of its patients based on a structured envi-
56 ronment requiring patient participation for no less than three hours

1 each day; or (ii) which is authorized by the state commissioner of
2 health to conduct a program pursuant to section 80.135 of title ten of
3 the New York code of rules and regulations.

4 § 75. This act shall take effect immediately; provided however:

5 a. the amendments to clause (c) of subparagraph 4 of paragraph b of
6 subdivision 1 of section 4402 of the education law made by section thir-
7 ty-seven of this act shall not affect the expiration and reversion of
8 such clause as provided by subdivision d of section 27 of chapter 378 of
9 the laws of 2007, as amended, when upon such date the provisions of
10 section thirty-eight of this act shall take effect;

11 b. the amendments to paragraph (1) of subdivision 1 of section 364-j
12 of the social services law made by section forty-eight of this act shall
13 not affect the repeal of such section and shall be deemed repealed ther-
14 ewith;

15 c. the amendments to subdivision four of section 366-c of the social
16 services law made by section fifty-one of this act shall not affect the
17 expiration of such subdivision and shall be deemed to expire therewith;
18 and

19 d. section seventy of this act shall take effect on the same date as
20 the reversion of subdivision (a) of section 249 of the family court act
21 as provided in section 8 of chapter 29 of the laws of 2011, as amended.