

# STATE OF NEW YORK

4837

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

Introduced by M. of A. DE LA ROSA, GUNTHER, REYES -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to establishing the division for mental health treatment equity

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 7.49 to read as follows:

3 § 7.49 The division for mental health treatment equity.

4 (a) Definitions. As used in this section:

5 (1) "division" shall mean the division for mental health treatment  
6 equity created pursuant to this section which shall consist of a full  
7 time director and any additional full or part time staff the commission-  
8 er deems necessary to effectuate the provisions of this section.

9 (2) "council" shall mean the advisory council to the division, created  
10 pursuant to subdivision (c) of this section.

11 (3) "vulnerable populations" shall mean those who have experienced  
12 injustices and disadvantages as a result of their race, ethnicity, sexu-  
13 al orientation, gender identity, disability status, age, military  
14 status, socioeconomic status and/or any other status which has caused a  
15 person to experience injustices and disadvantages.

16 (4) "racially and ethnically diverse areas" shall mean counties where  
17 the non-white population is forty percent or more or the service area of  
18 a mental health provider of services where the non-white population of  
19 said area is forty percent or more.

20 (5) "provider of services" shall have the same meaning as defined  
21 pursuant to subdivision five of section 1.03 of this chapter and  
22 provides mental health services to vulnerable populations.

23 (6) "treatment disparities" shall mean measurable differences in  
24 access to and quality of mental health services as determined by race,

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

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1 ethnicity, sexual orientation, gender identity, disability status, age,  
2 military status, and socioeconomic status.

3 (7) "treatment equity" shall mean achieving the highest level of  
4 mental health services for all people and shall entail focused efforts  
5 to address avoidable inequalities by equalizing those conditions for  
6 mental health services for those that have experienced injustices and  
7 socioeconomic disadvantages.

8 (b) The division for mental health treatment equity. There is hereby  
9 created a division for mental health treatment equity. The division, in  
10 conjunction with the council, shall have the following powers and  
11 duties:

12 (1) to work collaboratively with the office, other relevant state  
13 agencies and affected stakeholders, including, but not limited to,  
14 providers and representatives of vulnerable populations, in order to set  
15 priorities to achieve treatment equity in both racial and ethnically  
16 diverse areas and for vulnerable populations throughout the state;

17 (2) to analyze collected data to determine the causes of treatment  
18 disparities in both racially and ethnically diverse areas and for  
19 vulnerable populations throughout the state, including any economic,  
20 physical, social or cultural barriers;

21 (3) to develop and implement strategies aimed at achieving treatment  
22 equity in racially and ethnically diverse areas and among vulnerable  
23 populations;

24 (4) to promote community involvement by conducting promotional and  
25 educational outreach programs regarding mental illness and available  
26 services;

27 (5) to review the impact of current laws, rules, regulations, policies  
28 and programs that may be affecting the ability to achieve treatment  
29 equity; and

30 (6) to assist the office, where appropriate, in meeting its responsi-  
31 bilities pursuant to subdivision (g) of section 7.07 of this article.

32 (c) The advisory council on mental health treatment equity. (1) The  
33 council shall consist of twelve members. All members shall be appointed  
34 by the governor, with three members appointed upon recommendation from  
35 the temporary president of the senate and three members appointed upon  
36 recommendation from the speaker of the assembly. The chairperson of the  
37 council shall be the commissioner or his or her designee.

38 (2) The members of the council shall be from the community with exper-  
39 tise in conducting mental health services. In making such appointments,  
40 due consideration shall be given to ensuring adequate statewide  
41 geographic representation, including rural communities.

42 (3) The term of office for each member of the council shall be six  
43 years. Vacancies on the council, other than by expiration of a term,  
44 shall be filled for the remainder of the unexpired term in the same  
45 manner as original appointments.

46 (4) The members of the council shall receive no compensation for their  
47 services, but shall be reimbursed for all expenses actually and neces-  
48 sarily incurred in the performance of their duties under this section  
49 within the amount made available by appropriation therefor.

50 (d) Comprehensive plan. The division in collaboration with the council  
51 shall provide recommendations on matters within the scope of its powers  
52 and duties as set forth in this section to the office for the purpose of  
53 formulating its statewide comprehensive plan pursuant to section 5.07 of  
54 this chapter.

55 § 2. This act shall take effect on April 1, 2022.