

STATE OF NEW YORK

8486--A

Cal. No. 297

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

Introduced by M. of A. ABINANTI, HEVESI, STIRPE, FAHY, McDONALD, CUSICK, THIELE, ZEBROWSKI, PAULIN, WALSH -- read once and referred to the Committee on People with Disabilities -- recommitted to the Committee on People with Disabilities in accordance with Assembly Rule 3, sec. 2 -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to due process procedures for certain persons who will become eligible to receive transitional care or certain care at a future date

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

Section 1. Section 13.38 of the mental hygiene law is amended by adding a new subdivision (e-1) to read as follows:

(e-1) 1. This subdivision applies to planning for persons who currently are placed in New York state education department approved out-of-state residential schools pursuant to the education law and the federal individuals with disabilities education act who will become eligible to receive transitional care or care pursuant to subdivision (g) of this section at a future date.

2. The office may seek to identify an adult care facility or service licensed, certified, or approved by the office where such a person can receive appropriate care and where such care is available to commence before, on, or after, the date when funding for transitional care or care pursuant to subdivision (g) of this section will otherwise commence.

3. The office shall notify in writing the person or guardian if it is offering a new placement at a facility and program that it has determined to be appropriate. The notice shall explicitly and clearly state that: (i) the person or the person's guardian has the unconditional right not to accept the offer; (ii) if the offer is not responded to, or

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

LBD13551-02-2

1 is expressly declined, then funding for transitional care or care pursu-
2 ant to subdivision (g) of this section will commence as if no offer had
3 been made; and (iii) if, after the commencement of such funding, the
4 office proposes a new placement, then the notice, appeal, and due proc-
5 ess rights of the person that are set forth in subdivision (e) of this
6 section shall apply.

7 § 2. This act shall take effect immediately.