

STATE OF NEW YORK

8355

IN SENATE

February 15, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to due process procedures for 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:

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

3 (e-1) 1. This subdivision applies to planning for persons who will
4 become eligible to receive transitional care or care pursuant to subdivi-
5 vision (g) of this section at a future date.

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

12 3. The office shall notify in writing the person or guardian if it is
13 offering a new placement at a facility and program that it has deter-
14 mined to be appropriate. The notice shall explicitly and clearly state
15 that: (i) the person or the person's guardian has the unconditional
16 right not to accept the offer; (ii) if the offer is not responded to, or
17 is expressly declined, then funding for transitional care or care pursu-
18 ant to subdivision (g) of this section will commence as if no offer had
19 been made; and (iii) if, after the commencement of such funding, the
20 office proposes a new placement, then the notice, appeal, and due proc-
21 ess rights of the person that are set forth in subdivision (e) of this
22 section shall apply.

23 § 2. This act shall take effect immediately.

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

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