

STATE OF NEW YORK

8355--A

IN SENATE

February 15, 2022

Introduced by Sens. CLEARE, BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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 current-
4 ly are placed in New York state education department approved out-of-
5 state residential schools pursuant to the education law and the federal
6 individuals with disabilities education act who will become eligible to
7 receive transitional care or care pursuant to subdivision (g) of this
8 section at a future date.

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

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

26 § 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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