S T A T E O F N E W Y O R K

370--A

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a temporary task force on developmental disabilities and establishing the powers and duties thereof; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative intent. The legislature finds that the office of mental retardation and developmental disabilities promulgated an advisory guideline (August 10, 2001) that includes an eligibility standard for the services of such office that excludes many persons who are substantially handicapped by certain developmental disabilities. The legislature further finds that this advisory guideline conflicts with the mental hygiene law, which includes cerebral palsy, epilepsy, neurological impairment, familial dysautonomia or autism in its definition of a "developmental disability". To correct this inconsistency and to adequately address the needs of consumers substantially handicapped by such developmental disabilities, the legislature finds that a temporary task force on developmental disabilities should be established.

S 2. A temporary task force on developmental disabilities is hereby established to develop eligibility guidelines that are sensitive to the disabling effects of cerebral palsy, epilepsy, neurological impairment, familial dysautonomia or autism. Such task force shall develop a definition of "substantial handicap due to cerebral palsy, epilepsy, neurological impairment, familial dysautonomia or autism", determine measurement instruments or mechanisms that could be used to establish

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

LBD02558-04-9

substantial handicap due to cerebral palsy, epilepsy, neurological impairment, familial dysautonomia or autism, consider the potential progressive nature of some of these conditions and address the "age of onset" requirement in qualifying for office of mental retardation and developmental disabilities services.

S 3. The temporary task force on developmental disabilities shall consist of 15 members. The commissioner of mental retardation and developmental disabilities shall be the chair of such task force and a non-voting member. The remaining 14 members shall be appointed as follows: eight members by the governor, two members by the temporary president of the senate, two members by the speaker of the assembly, one member by the minority leader of the senate, and one member by the minority leader of the assembly. All members shall be appointed only if they have demonstrated an active interest in the treatment of persons with mental retardation and developmental disabilities generally, with at least four of the eight members appointed by the governor, one of two members appointed by the temporary president of the senate, and speaker of the assembly, being actively engaged in the treatment of people with cerebral palsy, epilepsy, neurological impairment, familial dysautonomia and autism. Vacancies in the membership of such task force shall be filled in the manner provided for original appointments.

S 4. The members of the temporary task force on developmental disabilities shall receive no compensation for their services, but may be allowed their actual and necessary expenses incurred in performing their duties pursuant to this act.

S 5. To the maximum extent feasible, the temporary task force on developmental disabilities shall be entitled to request and receive, and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the state or any political subdivision thereof as it may reasonably request to properly carry out its powers and duties.

S 6. The temporary task force on developmental disabilities shall report its findings, conclusions and recommendations to the governor and legislature no later than March 1, 2010. These recommendations shall be taken into consideration when establishing eligibility standards for services provided by the office of mental retardation and developmental disabilities to people substantially handicapped by cerebral palsy, epilepsy, neurological impairment, familial dysautonomia and autism within six months from the date of the filing of such report.

S 7. This act shall take effect immediately and shall expire and be deemed repealed September 1, 2010.