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

2525

2009-2010 Regular Sessions

I N A S S E M B L Y

January 20, 2009

Introduced by M. of A. BRENNAN, GREENE, JAFFEE, SCHROEDER -- Multi-Sponsored by -- M. of A. BOYLAND, CLARK, COLTON, COOK, DIAZ, DINOWITZ, HOOPER, JACOBS, JOHN, MENG, ORTIZ, PHEFFER, SCARBOROUGH, WRIGHT -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing a right to treatment for seriously emotionally disturbed children who are certified and waiting to be placed in a residential placement facility for children and youth

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

Section 1. Section 9.51 of the mental hygiene law is amended by adding two new subdivisions (h) and (i) to read as follows:

(H) WHENEVER A PERSON BECOMES CERTIFIED BY THE PRE-ADMISSION CERTIFICATION COMMITTEE AND IS WAITING FOR PLACEMENT, SUCH PERSON SHALL HAVE THE RIGHT TO THE MENTAL HEALTH SERVICES FOR WHICH THEY ARE ELIGIBLE AND WHICH ARE CUSTOMARILY PROVIDED IN A RESIDENTIAL FACILITY UNTIL THAT PERSON IS PLACED IN AN APPROPRIATE RESIDENTIAL TREATMENT FACILITY. THE COMMISSIONER SHALL BE CHARGED WITH THE RESPONSIBILITY FOR ASSURING THE DEVELOPMENT OF COMPREHENSIVE PLANS, PROGRAMS, AND SERVICES IN THE AREAS OF EARLY PREVENTION, CARE AND TREATMENT, AND EDUCATION. SERVICES SHALL BE PROVIDED WITHIN A REASONABLE PERIOD OF TIME AFTER CERTIFICATION AND APPROPRIATE TO INDIVIDUAL NEEDS IN THE ENVIRONMENT NECESSARY TO ACHIEVE THE PURPOSES OF TREATMENT UNTIL SUCH INDIVIDUALS ARE PLACED IN A RESIDENTIAL TREATMENT FACILITY. THE COMMISSIONER, IN CARRYING OUT THE PROVISIONS OF THIS SUBDIVISION, SHALL:

(1) DEVELOP, ESTABLISH, AND PROMULGATE A PROCEDURE TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION. SUCH PROCEDURE SHALL BE BASED UPON THE INDIVIDUAL NEEDS OF THE PERSON; AND

(2) NOTIFY, COOPERATE, GUIDE, AND ASSIST LOCAL AGENCIES, LOCAL GOVERNMENT UNITS, COMMUNITY SERVICE BOARDS, AND/OR PROVIDERS OF SERVICE.

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

LBD03245-01-9

(I) THE COMMISSIONER SHALL IDENTIFY THE CHARACTERISTICS AND NUMBER OF CHILDREN AND ADOLESCENTS WHO ARE CERTIFIED BY THE PRE-ADMISSION CERTIFICATION COMMITTEE IN NEED OF APPROPRIATE SERVICES, DESCRIBE THE EDUCATIONAL, MENTAL HEALTH OR OTHER TREATMENT SERVICES NEEDED, DESCRIBE CURRENTLY AVAILABLE PROGRAMS AND RESOURCES, RECOMMEND A PLAN TO MEET THE NEEDS OF SUCH CHILDREN, RECOMMEND PRIORITIES FOR THE CONTINUATION OR DEVELOPMENT OF PROGRAMS AND RESOURCES, AND MAKE AN ASSESSMENT OF THE SUCCESS OF THE SERVICES SO PROVIDED.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.