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

3804

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. LIFTON, SCHROEDER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to establish a temporary epilepsy task force 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 epilepsy. The legislature further finds that this advisory guideline conflicts with the mental hygiene law, which includes epilepsy in its definition of a "developmental disability". To correct this inconsistency and to adequately address the needs of consumers substantially handicapped by epilepsy, the legislature finds that a temporary epilepsy task force should be established.

S 2. A temporary epilepsy task force is hereby established to develop eligibility guidelines that are sensitive to the disabling effects of epilepsy. Such task force shall develop a definition of "substantial handicap due to epilepsy", determine measurement instruments or mechanisms that could be used to establish substantial handicap due to epilepsy, consider the potential progressive nature of epilepsy and address the "age of onset" requirement in qualifying for office of mental retardation and developmental disabilities services.

S 3. The temporary epilepsy task force 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: two members by the governor, two members by the temporary president of the senate, two

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

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members by the speaker of the assembly, two members by the minority leader of the senate, two members by the minority leader of the assembly, one member by the New York State Epilepsy Coalition, one member by the Epilepsy Foundation of New York City, one member by the National Epilepsy Foundation of America, and one member by the American Epilepsy Society. All members shall be appointed only if they have demonstrated an active interest in the treatment of persons with epilepsy or in the field of mental retardation and developmental disabilities generally, with at least one of the two members appointed by the governor, temporary president of the senate, speaker of the assembly, minority leader of the senate and minority leader of the assembly being actively engaged in the treatment of people with epilepsy. 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 epilepsy task force shall receive no compensation for their services, but shall 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 epilepsy task force 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 epilepsy task force shall report its findings, conclusions and recommendations to the governor, commissioner of mental retardation and developmental disabilities and legislature within eighteen months of the effective date of this act. These recommendations shall be implemented as the eligibility standards for services provided by the office of mental retardation and developmental disabilities to people substantially handicapped by epilepsy 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 two years after such effective date.