

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

4577--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. P. RIVERA, ALFANO, LUPARDO, WEISENBERG, SCHROEDER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committed to Mental Health, Mental Retardation and Developmental 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 establishing the child psychiatry access project; to amend the tax law, in relation to establishing a gift for the child psychiatry access project; and to amend the state finance law, in relation to establishing the child psychiatry access fund

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

1 Section 1. The mental hygiene law is amended by adding a new section
2 7.42 to read as follows:
3 S 7.42 CHILD PSYCHIATRY ACCESS PROJECT.
4 (A) THE OFFICE SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, ESTABLISH
5 OR MAY CONTRACT FOR THE ESTABLISHMENT OF REGIONAL CHILD PSYCHIATRY
6 ACCESS PROJECTS ACROSS THE STATE TO PROVIDE PRIMARY CARE PROVIDERS WITH
7 TIMELY ACCESS TO CHILD PSYCHIATRY CONSULTATIONS IN ORDER TO ASSIST SUCH
8 PRIMARY CARE PROVIDERS IN MEETING THE MENTAL HEALTH NEEDS OF THE CHIL-
9 DREN AND ADOLESCENTS AND THEIR FAMILIES.
10 (B) REGIONAL TEAMS SHALL CONSIST OF A CHILD PSYCHIATRIST WITH APPRO-
11 PRIATE SUPPORT STAFF, AND BE ESTABLISHED TO PROVIDE CHILD PSYCHIATRIC
12 TELEPHONE CONSULTATIONS TO PRIMARY CARE PROVIDERS WITHIN THE DESIGNATED
13 REGION RESULTING IN ONE OF THE FOLLOWING, DEPENDING UPON THE NEEDS OF
14 THE CHILD PATIENT AND/OR FAMILY:
15 1. RESPONDING TO THE PRIMARY CARE PHYSICIAN'S PATIENT SPECIFIC QUES-
16 TIONS ABOUT BEHAVIORAL HEALTH;

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

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1 2. ASSISTING THE FAMILY IN ACCESSING ROUTINE, LOCAL BEHAVIORAL HEALTH
2 SERVICES, WITH THE UNDERSTANDING THERE MAY BE A WAITING PERIOD;

3 3. PROVIDING TRANSITIONAL SUPPORT TO THE CHILD PATIENT AND FAMILY
4 UNTIL THE FAMILY CAN ACCESS ROUTINE, LOCAL BEHAVIORAL HEALTH SERVICES;

5 4. MAKING REFERRAL TO A TEAM CHILD PSYCHIATRIST FOR AN ACUTE PSYCHO-
6 PHARMACOLOGIC OR DIAGNOSTIC CONSULTATION.

7 (C) REGIONAL TEAMS MAY ALSO PROVIDE MENTAL HEALTH RESOURCE SERVICES,
8 EDUCATIONAL SERVICES, MENTAL HEALTH ADVOCACY AND OTHER RELATED SERVICES
9 TO THE PROVIDER AND MENTAL HEALTH COMMUNITY.

10 (D) CHILD PSYCHIATRY ACCESS SERVICES PROVIDED UNDER THIS SECTION SHALL
11 NOT DISCRIMINATE AGAINST CHILDREN AND FAMILIES, BASED UPON THEIR INSUR-
12 ANCE STATUS, WHEN SUCH SERVICES ARE ACCESSED THROUGH THEIR PRIMARY CARE
13 PROVIDER PRACTICING IN THE REGION.

14 S 2. The tax law is amended by adding a new section 628-a to read as
15 follows:

16 S 628-A. GIFT FOR THE CHILD PSYCHIATRY ACCESS PROJECT. EFFECTIVE FOR
17 ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TEN, AN
18 INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE CHILD
19 PSYCHIATRY ACCESS FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR
20 AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIV-
21 IDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX
22 RETURN FORM TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITH-
23 STANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO
24 THIS SECTION SHALL BE PAID TO THE CHILD PSYCHIATRY ACCESS FUND ESTAB-
25 LISHED PURSUANT TO AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN
26 SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

27 S 3. The state finance law is amended by adding a new section 89-h to
28 read as follows:

29 S 89-H. CHILD PSYCHIATRY ACCESS FUND. 1. A SPECIAL FUND TO BE KNOWN
30 AS THE "CHILD PSYCHIATRY ACCESS FUND" IS HEREBY ESTABLISHED IN THE JOINT
31 CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND
32 FINANCE.

33 2. THE FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED TO SUCH FUND
34 PURSUANT TO LAW, ALL MONEYS REQUIRED BY ANY PROVISION OF LAW TO BE PAID
35 INTO OR CREDITED TO THE FUND, ALL MONEYS FROM GIFTS PURSUANT TO SECTION
36 SIX HUNDRED TWENTY-EIGHT-A OF THE TAX LAW AND ANY INTEREST EARNINGS
37 WHICH MAY ACCRUE FROM THE INVESTMENT OF MONEYS IN THE FUND. NOTHING
38 CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS,
39 GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS
40 SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

41 3. MONEYS OF THE FUND, WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE
42 OFFICE OF MENTAL HEALTH SOLELY FOR THE PURPOSE OF ESTABLISHING CHILD
43 PSYCHIATRY PROJECTS PURSUANT TO SECTION 7.42 OF THE MENTAL HYGIENE LAW.

44 4. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
45 THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER
46 OF MENTAL HEALTH.

47 S 4. This act shall take effect on the ninetieth day after it shall
48 have become a law.