

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

7116--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

Introduced by M. of A. P. RIVERA -- read once and referred to the Committee on Children and Families -- reference changed to the Committee on Mental Health, Mental Retardation and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 667 of the laws of 2006 relating to providing for the establishment of a children's mental health plan, in relation to eliminating certain provisions provided thereto; and to amend the mental hygiene law and the social services law, in relation to implementing "the children's plan"

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

1 Section 1. Subdivision 2 of section 3 of chapter 667 of the laws of
2 2006 relating to providing for the establishment of a children's mental
3 health plan, as amended by chapter 120 of the laws of 2007, is amended
4 to read as follows:
5 2. On or before October 1, 2007, the commissioner of mental health
6 shall submit a preliminary children's mental health plan to the governor
7 and the legislature, and shall submit a final children's mental health
8 plan on or before October 1, 2008. [Thereafter, a children's mental
9 health plan shall be developed and submitted to the governor and the
10 legislature by the commissioner of mental health consistent with the
11 requirements of subdivision (b) of section 5.07 of the mental hygiene
12 law, either as a discrete part of the statewide comprehensive five-year
13 plan for the provision of state and local services for persons with
14 mental illness required under that section, or as a separate document,
15 at the discretion of such commissioner. Consistent with such require-
16 ments, commencing on or before February 15, 2009 and annually thereafter
17 on or before February 15, the commissioner of mental health shall
18 submit to the governor and the legislature an interim report on the

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

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1 progress of the children's mental health plan and recommendations for
2 revisions thereof.]

3 S 2. The mental hygiene law is amended by adding a new section 7.43 to
4 read as follows:

5 S 7.43 THE CHILDREN'S PLAN.

6 THE COMMISSIONER OF MENTAL HEALTH, IN CONSULTATION WITH THE STATE
7 COUNCIL ON CHILDREN AND FAMILIES PURSUANT TO SECTION FOUR HUNDRED EIGHT-
8 Y-THREE-F OF THE SOCIAL SERVICES LAW, SHALL OVERSEE THE IMPLEMENTATION
9 OF THE CHILDREN'S PLAN, DEVELOPED PURSUANT TO CHAPTER SIX HUNDRED
10 SIXTY-SEVEN OF THE LAWS OF TWO THOUSAND SIX, AND SHALL ASSIST SUCH COUN-
11 CIL WITH THE DEVELOPMENT OF FUTURE REPORTS AND PLANS. BOTH SHORT-TERM
12 AND LONG-TERM RECOMMENDATIONS OF SUCH REPORT SHALL ALSO BE MADE A
13 DISCRETE PART OF THE OFFICE OF MENTAL HEALTH'S STATEWIDE COMPREHENSIVE
14 FIVE YEAR PLAN.

15 S 3. Subparagraphs h and i of paragraph 1 of subdivision (b) of
16 section 5.07 of the mental hygiene law, as amended by chapter 223 of the
17 laws of 1992, are amended and a new subparagraph j is added to read as
18 follows:

19 h. analyze current and anticipated utilization of state and local, and
20 public and private facilities and programs; [and]

21 i. encourage and promote community-based programs which reflect the
22 partnership between state and local governmental units[.]; AND

23 J. INCLUDE PROGRESS REPORTS ON THE IMPLEMENTATION OF BOTH SHORT-TERM
24 AND LONG-TERM RECOMMENDATIONS OF THE CHILDREN'S PLAN REQUIRED PURSUANT
25 TO SECTION FOUR HUNDRED EIGHTY-THREE-F OF THE SOCIAL SERVICES LAW.

26 S 4. The social services law is amended by adding a new section 483-f
27 to read as follows:

28 S 483-F. THE CHILDREN'S PLAN. 1. THE COUNCIL, IN ACCORDANCE WITH
29 SECTION 7.43 OF THE MENTAL HYGIENE LAW, SHALL ASSIST THE COMMISSIONER OF
30 MENTAL HEALTH WITH THE IMPLEMENTATION OF THE CHILDREN'S PLAN, DEVELOPED
31 PURSUANT TO CHAPTER SIX HUNDRED SIXTY-SEVEN OF THE LAWS OF TWO THOUSAND
32 SIX. STATE CHILD-SERVING AGENCIES INVOLVED IN THE DEVELOPMENT OF SUCH
33 PLAN SHALL ASSIST, AS NEEDED, WITH SUCH PLAN'S IMPLEMENTATION AND SUCH
34 AGENCIES SHALL SIGN OFF ON ALL FUTURE REPORTS AND PLANS. SUCH AGENCIES
35 SHALL INCLUDE, BUT NOT BE LIMITED TO, THE OFFICE OF MENTAL HEALTH, THE
36 OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, THE OFFICE
37 OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE COMMISSION ON QUALITY OF
38 CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES, THE OFFICE OF CHILDREN
39 AND FAMILY SERVICES, THE STATE EDUCATION DEPARTMENT, THE DEPARTMENT OF
40 HEALTH, AND THE DEPARTMENT OF PROBATION AND CORRECTIONAL ALTERNATIVES.

41 2. THE COUNCIL SHALL, WITH THE APPROVAL OF THE CHILD-SERVING AGENCIES,
42 SUBMIT A REPORT TO THE GOVERNOR AND TO THE LEGISLATURE, ON OR BEFORE
43 OCTOBER FIRST, TWO THOUSAND TEN, AND EVERY TWO YEARS AFTER SUCH DATE, ON
44 THE PROGRESS OF THE CHILDREN'S PLAN, INCLUDING THE OUTCOMES, ACHIEVE-
45 MENTS AND RECOMMENDATIONS FOR REVISION OF SUCH PLAN. SUCH REPORT SHALL
46 ALSO BE MADE A DISCRETE PART OF THE OFFICE OF MENTAL HEALTH'S STATEWIDE
47 COMPREHENSIVE FIVE YEAR PLAN CONSISTENT WITH THE REQUIREMENTS OF SUBDI-
48 VISION (B) OF SECTION 5.07 OF THE MENTAL HYGIENE LAW.

49 S 5. This act shall take effect immediately.