

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

AN ACT to amend the mental hygiene law, in relation to the establishment of community housing waiting lists for adults within the office of mental health service system

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

1 Section 1. Section 7.15 of the mental hygiene law is amended by adding
2 three new subdivisions (d), (e) and (f) to read as follows:
3 (D) THE COMMISSIONER SHALL ESTABLISH A COMMUNITY HOUSING WAITING LIST
4 FOR ADULTS SEEKING HOUSING SERVICES IN THE OFFICE OF MENTAL HEALTH
5 SERVICE SYSTEM. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMUNITY
6 HOUSING WAITING LIST" SHALL MEAN AN UNDUPLICATED LIST OR ROSTER OF
7 ADULTS WITH A DOCUMENTED MENTAL ILLNESS WHO MEET THE ELIGIBILITY CRITERIA
8 FOR THE ARRAY OF OFFICE OF MENTAL HEALTH FUNDED AND/OR LICENSED
9 HOUSING PROGRAMS WHO HAVE BEEN REFERRED TO OR APPLIED FOR BUT NOT YET
10 RECEIVED SUPPORTED, SUPPORTIVE, SUPERVISED OR CONGREGATE HOUSING
11 SERVICES IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM.
12 FOR THE PURPOSES OF THIS SECTION, THE TERM "PROVIDER OF HOUSING
13 SERVICES" SHALL INCLUDE EVERY HOLDER OF AN OPERATING CERTIFICATE ISSUED
14 PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER, OR EVERY HOUSING PROGRAM
15 FUNDED, OPERATED OR ADMINISTERED BY THE OFFICE INCLUDING ANY LOCAL
16 GOVERNMENT UNIT MENTAL HEALTH HOUSING REFERRAL SYSTEM AND EACH SINGLE
17 POINT OF ENTRY OFFICE, OPERATED BY OR UNDER CONTRACT WITH A DIRECTOR OF
18 COMMUNITY SERVICES PURSUANT TO ARTICLE FORTY-ONE OF THIS CHAPTER.
19 FOR THE PURPOSES OF THIS SECTION, THE TERM "AGENCY OR INSTITUTION"
20 SHALL INCLUDE ADULT HOMES, NURSING HOMES, FOSTER CARE PROVIDERS, HOME-
21 LESS SHELTERS, STATE PSYCHIATRIC CENTERS, HOSPITALS, CORRECTIONAL FACIL-
22 ITIES AND OTHER REFERRING ENTITIES.

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

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1 EACH MONTH, EACH PROVIDER OF HOUSING SERVICES SHALL PROVIDE TO THE
2 OFFICE THE NAME OF EACH PERSON WHO IS REFERRED TO, APPLIES FOR, IS
3 ADMITTED TO, WITHDRAWS AN APPLICATION FOR OR IS DENIED ADMISSION TO THE
4 PROVIDER'S HOUSING PROGRAM, ALONG WITH SUCH OTHER INFORMATION AS THE
5 COMMISSIONER MAY REQUIRE.

6 EACH MONTH, EACH AGENCY OR INSTITUTION MAKING REFERRALS FOR HOUSING
7 SERVICES IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM MAY PROVIDE TO
8 THE OFFICE THE NAMES OF PERSONS WHOM IT HAS REFERRED TO A PROVIDER OF
9 HOUSING SERVICES, ALONG WITH SUCH OTHER INFORMATION AS THE COMMISSIONER
10 MAY REQUIRE.

11 EACH MONTH, EACH COUNTY'S COMMUNITY-BASED AGENCY PERFORMING ASSESS-
12 MENTS OF PEOPLE WITH DISABILITIES USING THE UNIFORM ASSESSMENT TOOL, AS
13 REQUIRED BY PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION SEVEN HUNDRED
14 THREE OF THE EXECUTIVE LAW, SHALL PROVIDE TO THE OFFICE THE NAME OF EACH
15 PERSON WITH A DOCUMENTED MENTAL ILLNESS WHO IS ASSESSED AND MEETS THE
16 ELIGIBILITY CRITERIA FOR THE ARRAY OF OFFICE OF MENTAL HEALTH FUNDED
17 AND/OR LICENSED HOUSING PROGRAMS, AND THE NAMES OF THOSE PERSONS IT HAS
18 REFERRED TO PROVIDERS OF HOUSING AND SERVICES ALONG WITH SUCH OTHER
19 INFORMATION AS THE COMMISSIONER MAY REQUIRE.

20 (E) THE COMMISSIONER SHALL ESTABLISH POLICIES, PROCEDURES AND FORMS
21 FOR THE COMMUNITY HOUSING WAITING LIST IN ORDER TO ENSURE THAT APPLI-
22 CANTS AND PROSPECTIVE APPLICANTS FOR HOUSING PROGRAMS, PROVIDERS OF
23 HOUSING SERVICES, AND REFERRING AGENCIES AND INSTITUTIONS MAY SUBMIT
24 WAITING LIST INFORMATION AND COPIES OF APPLICATIONS AND REFERRALS
25 DIRECTLY TO THE OFFICE VIA ELECTRONIC MEANS. SUCH POLICIES, PROCEDURES
26 AND FORMS SHALL SAFEGUARD THE CONFIDENTIALITY OF INFORMATION CONCERNING
27 PERSONS SEEKING HOUSING IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM,
28 AND ACCORD EACH PERSON ON THE WAITING LIST THE OPPORTUNITY TO RECEIVE A
29 WRITTEN COPY OF ALL PERSONAL INFORMATION MAINTAINED ON THE WAITING LIST.
30 SUCH POLICIES AND PROCEDURES SHALL PROVIDE FOR THE COMMUNITY HOUSING
31 WAITING LIST TO INCLUDE ALL PERSONS ON ANY LOCAL OR STATE WAITING LIST
32 FOR HOUSING IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM BEFORE THE
33 EFFECTIVE DATE OF THIS SUBDIVISION AND THE DATE UPON WHICH EACH SUCH
34 PERSON WAS FIRST PLACED ON SUCH WAITING LIST. SUCH LIST SHALL ALSO
35 INCLUDE PERSONS WHO ARE PLACED ON ANY SUCH LOCAL OR STATE WAITING LIST
36 ON OR AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION.

37 (F) THE COMMISSIONER SHALL PREPARE A WRITTEN REPORT ON THE COMMUNITY
38 HOUSING WAITING LIST OF PERSONS WITH A DOCUMENTED MENTAL ILLNESS SEEKING
39 HOUSING IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM. SUCH HOUSING
40 SHALL INCLUDE COMMUNITY-BASED HOUSING AND RELATED SERVICES FOR WHICH
41 PERSONS ARE ASSESSED PURSUANT TO ARTICLE TWENTY-FIVE OF THE EXECUTIVE
42 LAW. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF
43 ADULTS, BY COUNTY, REFERRED TO THE COMMUNITY HOUSING WAITING LIST; THE
44 NUMBER OF ADULTS, BY COUNTY, THAT APPLIED FOR EACH CATEGORY OF RESIDEN-
45 TIAL SERVICE; THE NUMBER OF ADULTS, BY COUNTY, ADMITTED TO EACH CATEGORY
46 OF RESIDENTIAL SERVICE; THE NUMBER OF ADULTS, BY COUNTY, DENIED ADMIS-
47 SION TO EACH CATEGORY OF RESIDENTIAL SERVICE; THE NUMBER OF ADULTS, BY
48 COUNTY, WHO WITHDREW APPLICATIONS FOR EACH CATEGORY OF RESIDENTIAL
49 SERVICE; AND THE NUMBER OF ADULTS, BY COUNTY, ON THE STATEWIDE WAITING
50 LIST FOR EACH CATEGORY OF RESIDENTIAL SERVICE. FOR EACH CATEGORY AND
51 COUNTY, THE NUMBER OF MONTHS ON THE WAITING LIST SHALL BE REPORTED FOR
52 EACH PERSON. SUCH REPORT ALSO SHALL INCLUDE THE TYPES, CAPACITIES AND
53 VACANCY RATES OF RESIDENTIAL SERVICES OFFERED IN EACH COUNTY AND DETAIL
54 THE EFFORTS OF THE OFFICE TO REDUCE THE LENGTH OF THE WAITING LIST FOR
55 EACH CATEGORY OF RESIDENTIAL SERVICE, INCLUDING THE METHODS BY WHICH THE
56 OFFICE PRIORITIZES THE PROVISION OF SERVICES TO PERSONS ON THE STATEWIDE

1 COMMUNITY HOUSING WAITING LIST AND THE EFFORTS OF THE STATE TO INFORM
2 THE PUBLIC ABOUT THE COMMUNITY HOUSING WAITING LIST AND THE AVAILABILITY
3 OF COMMUNITY HOUSING AND SERVICES FOR ADULTS WITH A DOCUMENTED MENTAL
4 ILLNESS. SUCH REPORT SHALL BE SUBMITTED TO THE GOVERNOR, THE CHAIR-
5 PERSON OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
6 COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY MENTAL HEALTH COMMITTEE,
7 AND EACH LOCAL COMMUNITY SERVICES BOARD ON OR BEFORE JANUARY FIRST, TWO
8 THOUSAND TWELVE AND MONTHLY THEREAFTER.

9 S 2. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law; provided, however, that effective immediate-
11 ly, the addition, amendment and/or repeal of any rule or regulation
12 necessary for the implementation of this act on its effective date are
13 authorized and directed to be made and completed on or before such
14 effective date.