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

184--A

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 -- recommitted to the Committee on Mental Health and Developmental Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 7.15 of the mental hygiene law is amended by adding three new subdivisions (d), (e) and (f) to read as follows:

(D) THE COMMISSIONER SHALL ESTABLISH A COMMUNITY HOUSING WAITING LIST FOR ADULTS SEEKING HOUSING SERVICES IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM. FOR THE PURPOSES OF THIS SECTION, THE TERM "COMMUNITY HOUSING WAITING LIST" SHALL MEAN AN UNDUPLICATED LIST OR ROSTER OF ADULTS WITH A DOCUMENTED MENTAL ILLNESS WHO MEET THE ELIGIBILITY CRITERIA FOR THE ARRAY OF OFFICE OF MENTAL HEALTH FUNDED AND/OR LICENSED HOUSING PROGRAMS WHO HAVE BEEN REFERRED TO OR APPLIED FOR BUT NOT YET RECEIVED SUPPORTED, SUPPORTIVE, SUPERVISED OR CONGREGATE HOUSING SERVICES IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM.

FOR THE PURPOSES OF THIS SECTION, THE TERM "PROVIDER OF HOUSING SERVICES" SHALL INCLUDE EVERY HOLDER OF AN OPERATING CERTIFICATE ISSUED PURSUANT TO ARTICLE THIRTY-ONE OF THIS CHAPTER, OR EVERY HOUSING PROGRAM FUNDED, OPERATED OR ADMINISTERED BY THE OFFICE INCLUDING ANY LOCAL GOVERNMENT UNIT MENTAL HEALTH HOUSING REFERRAL SYSTEM AND EACH SINGLE POINT OF ENTRY OFFICE, OPERATED BY OR UNDER CONTRACT WITH A DIRECTOR OF COMMUNITY SERVICES PURSUANT TO ARTICLE FORTY-ONE OF THIS CHAPTER.

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

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FOR THE PURPOSES OF THIS SECTION, THE TERM "AGENCY OR INSTITUTION" SHALL INCLUDE ADULT HOMES, NURSING HOMES, FOSTER CARE PROVIDERS, HOMELESS SHELTERS, STATE PSYCHIATRIC CENTERS, HOSPITALS, CORRECTIONAL FACILITIES AND OTHER REFERRING ENTITIES.

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

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

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

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

(F) THE COMMISSIONER SHALL PREPARE A WRITTEN REPORT ON THE COMMUNITY HOUSING WAITING LIST OF PERSONS WITH A DOCUMENTED MENTAL ILLNESS SEEKING HOUSING IN THE OFFICE OF MENTAL HEALTH SERVICE SYSTEM. SUCH HOUSING SHALL INCLUDE COMMUNITY-BASED HOUSING AND RELATED SERVICES FOR WHICH PERSONS ARE ASSESSED PURSUANT TO ARTICLE TWENTY-FIVE OF THE EXECUTIVE LAW. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NUMBER OF ADULTS, BY COUNTY, REFERRED TO THE COMMUNITY HOUSING WAITING LIST; THE NUMBER OF ADULTS, BY COUNTY, THAT APPLIED FOR EACH CATEGORY OF RESIDENTIAL SERVICE; THE NUMBER OF ADULTS, BY COUNTY, ADMITTED TO EACH CATEGORY OF RESIDENTIAL SERVICE; THE NUMBER OF ADULTS, BY COUNTY, DENIED ADMISSION TO EACH CATEGORY OF RESIDENTIAL SERVICE; THE NUMBER OF ADULTS, BY COUNTY, WHO WITHDREW APPLICATIONS FOR EACH CATEGORY OF RESIDENTIAL SERVICE; AND THE NUMBER OF ADULTS, BY COUNTY, ON THE STATEWIDE WAITING LIST FOR EACH CATEGORY OF RESIDENTIAL SERVICE. FOR EACH CATEGORY AND COUNTY, THE NUMBER OF MONTHS ON THE WAITING LIST SHALL BE REPORTED FOR EACH PERSON. SUCH REPORT ALSO SHALL INCLUDE THE TYPES, CAPACITIES AND

VACANCY RATES OF RESIDENTIAL SERVICES OFFERED IN EACH COUNTY AND DETAIL THE EFFORTS OF THE OFFICE TO REDUCE THE LENGTH OF THE WAITING LIST FOR EACH CATEGORY OF RESIDENTIAL SERVICE, INCLUDING THE METHODS BY WHICH THE OFFICE PRIORITIZES THE PROVISION OF SERVICES TO PERSONS ON THE STATEWIDE COMMUNITY HOUSING WAITING LIST AND THE EFFORTS OF THE STATE TO INFORM THE PUBLIC ABOUT THE COMMUNITY HOUSING WAITING LIST AND THE AVAILABILITY OF COMMUNITY HOUSING AND SERVICES FOR ADULTS WITH A DOCUMENTED MENTAL ILLNESS. SUCH REPORT SHALL BE SUBMITTED TO THE GOVERNOR, THE CHAIRPERSON OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMITTEE AND THE CHAIRPERSON OF THE ASSEMBLY MENTAL HEALTH COMMITTEE, AND EACH LOCAL COMMUNITY SERVICES BOARD ON OR BEFORE JANUARY FIRST, TWO THOUSAND THIRTEEN AND MONTHLY THEREAFTER.

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