

3146--A

Cal. No. 372

2009-2010 Regular Sessions

I N S E N A T E

March 11, 2009

Introduced by Sens. HUNTLEY, HASSELL-THOMPSON, MONSERRATE, MONTGOMERY, PERKINS, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 gover-
7 nor and the legislature, and shall submit a final children's mental
8 health plan on or before October 1, 2008. [Thereafter, a children's
9 mental health plan shall be developed and submitted to the governor and
10 the legislature by the commissioner of mental health consistent with
11 the requirements of subdivision (b) of section 5.07 of the mental
12 hygiene law, either as a discrete part of the statewide comprehensive
13 five-year plan for the provision of state and local services for
14 persons with mental illness required under that section, or as a sepa-
15 rate document, at the discretion of such commissioner. Consistent with

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

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1 such requirements, commencing on or before February 15, 2009 and
2 annually thereafter on or before February 15, the commissioner of
3 mental health shall submit to the governor and the legislature an
4 interim report on the progress of the children's mental health plan
5 and recommendations for revisions thereof.]

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

8 S 7.43 THE CHILDREN'S PLAN.

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

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

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

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

26 j. INCLUDE PROGRESS REPORTS ON THE IMPLEMENTATION OF BOTH SHORT-TERM
27 AND LONG-TERM RECOMMENDATIONS OF THE CHILDREN'S PLAN REQUIRED PURSUANT
28 TO SECTION FOUR HUNDRED EIGHTY-THREE-F OF THE SOCIAL SERVICES LAW.

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

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

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

52 S 5. This act shall take effect immediately.