

5210

2009-2010 Regular Sessions

I N   S E N A T E

April 27, 2009

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Introduced by Sen. HUNTLEY -- 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 requiring the office of mental retardation and developmental disabilities to submit an updated waitlist and placement report to the senate and assembly

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     13.28 to read as follows:  
3     S 13.28 OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES;  
4         RESIDENTIAL WAITLIST AND PLACEMENT REPORT.  
5     THE OFFICE SHALL SUBMIT BY JANUARY FIRST, TWO THOUSAND TEN, AND EVERY  
6     SIX MONTHS THEREAFTER, AN UPDATED WAITLIST AND PLACEMENT REPORT TO THE  
7     TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY,  
8     INCLUDING THE FOLLOWING INFORMATION:  
9         (A) WAITLIST INFORMATION. SUCH WAITLIST INFORMATION SHALL INCLUDE THE  
10     STATEWIDE NUMBER OF INDIVIDUALS AWAITING PLACEMENT BROKEN DOWN INTO THE  
11     TOTAL NUMBER OF INDIVIDUALS FROM WITHIN EACH DEVELOPMENTAL DISABILITY  
12     SERVICES OFFICE'S GEOGRAPHIC AREA WHO AWAIT RESIDENTIAL PLACEMENT AND  
13     ARE EXPECTED TO REQUIRE SUCH PLACEMENT WITHIN THE NEXT YEAR. SUCH INFOR-  
14     MATION SHALL BE GROUPED BY THE AGE OF THE INDIVIDUAL AWAITING PLACEMENT  
15     AND THE AGE OF THEIR CAREGIVER, IF ANY. SUCH INFORMATION SHALL ALSO  
16     INCLUDE:  
17         1. THE TYPE OF PLACEMENT SUCH INDIVIDUALS ARE EXPECTED TO REQUIRE  
18     DIVIDED INTO CERTIFIED OUT-OF-HOME, SUPERVISED, SUPPORTIVE PLACEMENT AND  
19     THE NUMBER OF SUCH PERSONS WHO ARE MEDICALLY FRAIL REQUIRING INTENSIVE  
20     MEDICAL CARE;  
21         2. NON-CERTIFIED RESIDENTIAL PLACEMENT OUTSIDE OF THE PARENT'S OR  
22     PARENTS' OR OTHER CAREGIVER'S HOME; AND

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

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1 3. THE NUMBER OF INDIVIDUALS EXPECTED TO REQUIRE HOME AND COMMUNITY  
2 BASED SERVICES WAIVER-FUNDED HABILITATION SERVICES AT-HOME;

3 (B) PLACEMENT INFORMATION. SUCH PLACEMENT INFORMATION SHALL INCLUDE:

4 1. THE TOTAL NUMBER OF INDIVIDUALS PLACED WITHIN EACH OF THE SETTINGS  
5 LISTED IN PARAGRAPHS ONE, TWO AND THREE OF SUBDIVISION (A) OF THIS  
6 SECTION DURING THE SIX MONTHS PRECEDING THE DATE OF RELEASE OF THE  
7 REPORT REQUIRED PURSUANT TO SUBDIVISION (C) OF THIS SECTION; AND

8 2. THE TOTAL NUMBER OF INDIVIDUALS, WHO ARE NOT INCLUDED ON THE WAIT-  
9 LIST, PLACED WITHIN EACH OF THE SETTINGS LISTED IN PARAGRAPHS ONE, TWO  
10 AND THREE OF SUBDIVISION (A) OF THIS SECTION DURING THE SIX MONTHS  
11 PRECEDING THE DATE OF RELEASE OF THE REPORT REQUIRED PURSUANT TO SUBDI-  
12 VISION (C) OF THIS SECTION, AND THE REASONS FOR SUCH PLACEMENTS;

13 (C) THE COMMISSIONER SHALL REPORT THE NUMBER OF INDIVIDUALS WHO ARE  
14 CURRENTLY PLACED IN A RESIDENTIAL PROGRAM, WHOSE CURRENT LIVING SITU-  
15 ATION IS NOT ADEQUATE TO MEET THEIR NEEDS AND WHO ARE AWAITING AN ALTER-  
16 NATIVE PLACEMENT. THESE INDIVIDUALS SHALL BE DIVIDED ACCORDING TO:

17 1. THE NUMBER AND AGE OF SUCH INDIVIDUALS;

18 2. THE SETTINGS LISTED IN PARAGRAPHS ONE, TWO AND THREE OF SUBDIVISION  
19 (A) OF THIS SECTION; AND

20 3. THE NUMBER OF CHILDREN IN RESIDENTIAL PLACEMENTS EXPECTED TO AGE  
21 OUT OF SUCH PLACEMENTS WITHIN A YEAR AND PLANS FOR CONTINUING THEIR  
22 PLACEMENTS AS ADULTS;

23 (D) THE NUMBER OF INDIVIDUALS WHOSE PLACEMENT FAILED OR WHO HAVE ASKED  
24 FOR AN ALTERNATIVE PLACEMENT, EITHER THEMSELVES OR THROUGH THEIR PARENT  
25 OR GUARDIAN ACTING ON THEIR BEHALF, OVER THE SIX MONTH PERIOD PRECEDING  
26 THE DATE OF RELEASE OF A REPORT, WITH CATEGORICAL DESCRIPTIONS OF THE  
27 REASONS FOR SUCH RESULTS AND ANY ACTIONS TAKEN OR PLANNED TO REMEDY SUCH  
28 SITUATION;

29 (E) THE COST OF PLACEMENTS MADE DURING THE PERIOD OF SUCH REPORT  
30 DIVIDED INTO COSTS ATTRIBUTABLE TO SUPERVISED, SUPPORTIVE, AT-HOME RESI-  
31 DENTIAL PLACEMENTS OR OTHER PLACEMENTS;

32 (F) THE APPROPRIATION AUTHORITY USED TO FUND PLACEMENTS MADE DURING  
33 THE PERIOD OF THE REPORT, INCLUDING THE YEAR OF THE ORIGINAL APPROPRI-  
34 ATION AND BALANCE OF REMAINING FUNDS IN SUCH APPROPRIATION BY CATEGORY  
35 SUCH AT OPTS, NYS-CARES OR OTHER CATEGORIES;

36 (G) PROJECTED FUNDING REQUIREMENTS FOR INDIVIDUALS REMAINING ON THE  
37 WAITING LIST;

38 (H) AN UPDATED FIVE YEAR PROJECTION OF INDIVIDUALS WHO WILL REQUIRE  
39 OUT-OF-HOME RESIDENTIAL PLACEMENT AND A FIVE YEAR PROJECTION OF INDIVID-  
40 UALS WHO REQUIRE ADDITIONAL IN-HOME SUPPORTS;

41 (I) A PLAN FOR MEETING THE OUT-OF-HOME RESIDENTIAL PLACEMENT NEEDS  
42 SHALL ALSO BE DEVELOPED AND SHALL SPECIFY THE TYPE OF PLACEMENTS ACCORD-  
43 ING TO SUCH SETTINGS LISTED IN PARAGRAPHS ONE, TWO AND THREE OF SUBDIVI-  
44 SION (A) OF THIS SECTION; AND

45 (J) ANY OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER.

46 S 2. This act shall take effect immediately.