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

7255

I N S E N A T E

March 25, 2010

Introduced by Sen. MORAHAN -- (at request of the Office of Alcoholism and Substance Abuse Services) -- 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 defining the scope of responsibilities of the office of alcoholism and substance abuse services regarding recovery services, terms of operating certificates and the DWI provider list, and permitting local departments of social services to participate in the process of developing local services plans

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

Section 1. Subdivisions (a), (b), and (g) of section 19.07 of the mental hygiene law, subdivision (a) as amended by section 4 of part I of chapter 58 of the laws of 2005, subdivision (b) as added by chapter 223 of the laws of 1992, and subdivision (g) as amended by chapter 669 of the laws of 2007, are amended to read as follows:

(a) The office of alcoholism and substance abuse services is charged with the responsibility for assuring the development of comprehensive plans, programs, and services in the areas of research, prevention, care, treatment, rehabilitation, INCLUDING RELAPSE PREVENTION AND RECOVERY MAINTENANCE, education, and training of persons who abuse or are dependent on alcohol and/or substances and their families. Such plans, programs, and services shall be developed with the cooperation of the office, the other offices of the department where appropriate, local governments, consumers and community organizations and entities. The office shall provide appropriate facilities and shall encourage the provision of facilities by local government and community organizations and entities. The office is also responsible for developing plans, programs and services related to compulsive gambling education, prevention and treatment consistent with section 41.57 of this chapter.

(b) The office of alcoholism and substance abuse services shall advise and assist the governor in improving services and developing policies designed to meet the needs of persons who abuse or are dependent on

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

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alcohol and/or substances and their families, and to encourage their rehabilitation, MAINTENANCE OF RECOVERY, and functioning in society.

(g) The office of alcoholism and substance abuse services shall develop, REVISE AND MAINTAIN a list of the names and locations of all licensed agencies and alcohol and substance abuse professionals, as defined in paragraphs (a) and (b) of subdivision one of section eleven hundred ninety-eight-a of the vehicle and traffic law, throughout the state which are capable of and available to provide an assessment of, and treatment for, alcohol and substance abuse and dependency. Such list shall be provided to the chief administrator of the office of court administration and the commissioner of motor vehicles. PERSONS WHO MAY BE AGGRIEVED BY AN AGENCY DECISION REGARDING INCLUSION ON THE LIST MAY REQUEST AN ADMINISTRATIVE APPEAL IN ACCORDANCE WITH RULES AND REGULATIONS OF THE OFFICE.

S 2. Subdivision (g) of section 19.09 of the mental hygiene law, as amended by chapter 558 of the laws of 1999, is amended to read as follows:

(g) The commissioner shall establish and operate chemical dependence programs, facilities, and services for the [prevention of chemical abuse and the treatment and rehabilitation] PREVENTION, TREATMENT, AND REHABILITATION, INCLUDING RELAPSE PREVENTION AND RECOVERY MAINTENANCE, of persons who abuse or are dependent on alcohol and/or substances, and significant others not limited to the psychiatric model but embodying all recognized or promising approaches.

S 3. Subdivision (c) of section 32.09 of the mental hygiene law, as added by chapter 558 of the laws of 1999, is amended to read as follows:

(c) Operating certificates shall be valid for up to a [three-year] FIVE YEAR period as shall be expressly provided upon such certificate or renewal thereof.

S 4. Subdivisions (a) and (c) of section 41.16 of the mental hygiene law, subdivision (a) as added by chapter 978 of the laws of 1977 and subdivision (c) as amended by section 2 of chapter 99 of the laws of 1999, are amended to read as follows:

(a) Each of the offices of the department shall guide and facilitate the process of local planning so that plans for the provision of all services, including state and local services, can be formulated on the basis of approved local plans and federal guidelines related to services for the mentally disabled to reflect the distribution of needs and resources of areas of the state. All providers of services, including facilities of the offices of the department, directors of hospital based mental health services, directors of community mental health centers, and voluntary agencies shall participate in and provide information, including budget data, for local planning processes. COUNTY COMMISSIONERS OF PUBLIC WELFARE OR OTHER AGENTS OF THE LOCAL DEPARTMENTS OF SOCIAL SERVICES MAY PARTICIPATE IN THE PLANNING PROCESS.

(c) A local services plan or unified services plan shall be developed, in accordance with the regulations of the commissioner or commissioners of the office or offices of the department having jurisdiction of the services by the local governmental unit or units which shall direct and administer a local comprehensive planning process for its geographic area, consistent with statewide goals and objectives established pursuant to section 5.07 of this chapter. The planning process shall involve the directors of any department facilities, directors of hospital based mental health services, directors of community mental health centers, consumers, consumer groups, voluntary agencies, other providers of services, and local correctional facilities and other local criminal

justice agencies. COUNTY COMMISSIONERS OF PUBLIC WELFARE OR OTHER AGENTS OF THE LOCAL DEPARTMENTS OF SOCIAL SERVICES MAY PARTICIPATE IN THE PLANNING PROCESS. The local governmental unit, or units, shall determine the proposed local services plan or unified services plan to be submitted for approval. If any provider of services including facilities in the department, or any representative of the consumer or community interests within the local planning process, disputes any element of the proposed plan for the area which it serves, the objection shall be presented in writing to the director of the local governmental unit. If such dispute cannot be resolved to the satisfaction of all parties, the director shall determine the plan to be submitted. If requested and supplied by the objecting party, a written objection to the plan shall be appended thereto and transmitted to the single agent of the department jointly designated by the commissioners.

S 5. 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.