

6553

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 21, 2011

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Introduced by M. of A. ORTIZ -- read once and referred to the Committee  
on Mental Health

AN ACT to amend the mental hygiene law, in relation to requiring the  
office for people with 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 ASSEM-  
BLY, 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 FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; RESIDENTIAL  
4         WAITLIST AND PLACEMENT REPORT.  
5     THE OFFICE SHALL SUBMIT BY JANUARY FIRST, TWO THOUSAND TWELVE, AND  
6     EVERY SIX MONTHS THEREAFTER, AN UPDATED WAITLIST AND PLACEMENT REPORT TO  
7     THE 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  
23         3. THE NUMBER OF INDIVIDUALS EXPECTED TO REQUIRE HOME AND COMMUNITY  
24     BASED SERVICES WAIVER-FUNDED HABILITATION SERVICES AT-HOME;

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

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

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

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

(C) THE COMMISSIONER SHALL REPORT THE NUMBER OF INDIVIDUALS WHO ARE CURRENTLY PLACED IN A RESIDENTIAL PROGRAM, WHOSE CURRENT LIVING SITUATION IS NOT ADEQUATE TO MEET THEIR NEEDS AND WHO ARE AWAITING AN ALTERNATIVE PLACEMENT. THESE INDIVIDUALS SHALL BE DIVIDED ACCORDING TO:

1. THE NUMBER AND AGE OF SUCH INDIVIDUALS;

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

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

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

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

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

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

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

(I) A PLAN FOR MEETING THE OUT-OF-HOME RESIDENTIAL PLACEMENT NEEDS SHALL ALSO BE DEVELOPED AND SHALL SPECIFY THE TYPE OF PLACEMENTS ACCORDING TO SUCH SETTINGS LISTED IN PARAGRAPHS ONE, TWO AND THREE OF SUBDIVISION (A) OF THIS SECTION; AND

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

S 2. This act shall take effect immediately.