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

6553--A

2011-2012 Regular Sessions

I N A S S E M B L Y

March 21, 2011

Introduced by M. of A. ORTIZ, P. RIVERA, WEPRIN, CAMARA, ROBERTS, HOOPER -- Multi-Sponsored by -- M. of A. COOK, CUSICK -- read once and referred to the Committee on Mental Health -- recommitted to the Committee on Mental Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The mental hygiene law is amended by adding a new section 13.28 to read as follows:

S 13.28 OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES; RESIDENTIAL WAITLIST AND PLACEMENT REPORT.

THE OFFICE SHALL SUBMIT BY JANUARY FIRST, TWO THOUSAND THIRTEEN, AND EVERY SIX MONTHS THEREAFTER, AN UPDATED WAITLIST AND PLACEMENT REPORT TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, INCLUDING THE FOLLOWING INFORMATION:

(A) WAITLIST INFORMATION. SUCH WAITLIST INFORMATION SHALL INCLUDE THE STATEWIDE NUMBER OF INDIVIDUALS AWAITING PLACEMENT BROKEN DOWN INTO THE TOTAL NUMBER OF INDIVIDUALS FROM WITHIN EACH DEVELOPMENTAL DISABILITY SERVICES OFFICE'S GEOGRAPHIC AREA WHO AWAIT RESIDENTIAL PLACEMENT AND ARE EXPECTED TO REQUIRE SUCH PLACEMENT WITHIN THE NEXT YEAR. SUCH INFORMATION SHALL BE GROUPED BY THE AGE OF THE INDIVIDUAL AWAITING PLACEMENT AND THE AGE OF THEIR CAREGIVER, IF ANY. SUCH INFORMATION SHALL ALSO INCLUDE:

1. THE TYPE OF PLACEMENT SUCH INDIVIDUALS ARE EXPECTED TO REQUIRE DIVIDED INTO CERTIFIED OUT-OF-HOME, SUPERVISED, SUPPORTIVE PLACEMENT AND THE NUMBER OF SUCH PERSONS WHO ARE MEDICALLY FRAIL REQUIRING INTENSIVE MEDICAL CARE;

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

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2. NON-CERTIFIED RESIDENTIAL PLACEMENT OUTSIDE OF THE PARENT'S OR PARENTS' OR OTHER CAREGIVER'S HOME; AND

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

(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.