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

3434

2011-2012 Regular Sessions

I N S E N A T E

February 22, 2011

Introduced by Sen. PARKER -- 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 establishing the child psychiatry access project; to amend the tax law, in relation to establishing a gift for the child psychiatry access project; and to amend the state finance law, in relation to establishing the child psychiatry access fund

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 7.42 to read as follows:

S 7.42 CHILD PSYCHIATRY ACCESS PROJECT.

(A) THE OFFICE SHALL, WITHIN AMOUNTS APPROPRIATED THEREFOR, ESTABLISH OR MAY CONTRACT FOR THE ESTABLISHMENT OF REGIONAL CHILD PSYCHIATRY ACCESS PROJECTS ACROSS THE STATE TO PROVIDE PRIMARY CARE PROVIDERS WITH TIMELY ACCESS TO CHILD PSYCHIATRY CONSULTATIONS IN ORDER TO ASSIST SUCH PRIMARY CARE PROVIDERS IN MEETING THE MENTAL HEALTH NEEDS OF THE CHILDREN AND ADOLESCENTS AND THEIR FAMILIES.

(B) REGIONAL TEAMS SHALL CONSIST OF A CHILD PSYCHIATRIST WITH APPROPRIATE SUPPORT STAFF, AND BE ESTABLISHED TO PROVIDE CHILD PSYCHIATRIC TELEPHONE CONSULTATIONS TO PRIMARY CARE PROVIDERS WITHIN THE DESIGNATED REGION RESULTING IN ONE OF THE FOLLOWING, DEPENDING UPON THE NEEDS OF THE CHILD PATIENT AND/OR FAMILY:

1. RESPONDING TO THE PRIMARY CARE PHYSICIAN'S PATIENT SPECIFIC QUESTIONS ABOUT BEHAVIORAL HEALTH;

2. ASSISTING THE FAMILY IN ACCESSING ROUTINE, LOCAL BEHAVIORAL HEALTH SERVICES, WITH THE UNDERSTANDING THERE MAY BE A WAITING PERIOD;

3. PROVIDING TRANSITIONAL SUPPORT TO THE CHILD PATIENT AND FAMILY UNTIL THE FAMILY CAN ACCESS ROUTINE, LOCAL BEHAVIORAL HEALTH SERVICES;

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

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4. MAKING REFERRAL TO A TEAM CHILD PSYCHIATRIST FOR AN ACUTE PSYCHOPHARMACOLOGIC OR DIAGNOSTIC CONSULTATION.

(C) REGIONAL TEAMS MAY ALSO PROVIDE MENTAL HEALTH RESOURCE SERVICES, EDUCATIONAL SERVICES, MENTAL HEALTH ADVOCACY AND OTHER RELATED SERVICES TO THE PROVIDER AND MENTAL HEALTH COMMUNITY.

(D) CHILD PSYCHIATRY ACCESS SERVICES PROVIDED UNDER THIS SECTION SHALL NOT DISCRIMINATE AGAINST CHILDREN AND FAMILIES, BASED UPON THEIR INSURANCE STATUS, WHEN SUCH SERVICES ARE ACCESSED THROUGH THEIR PRIMARY CARE PROVIDER PRACTICING IN THE REGION.

S 2. The tax law is amended by adding a new section 628-a to read as follows:

S 628-A. GIFT FOR THE CHILD PSYCHIATRY ACCESS PROJECT. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN, AN INDIVIDUAL IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE CHILD PSYCHIATRY ACCESS FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF STATE TAX OWED BY SUCH INDIVIDUAL. THE COMMISSIONER SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN FORM TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE PAID TO THE CHILD PSYCHIATRY ACCESS FUND ESTABLISHED PURSUANT TO AND USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION EIGHTY-NINE-H OF THE STATE FINANCE LAW.

S 3. The state finance law is amended by adding a new section 89-h to read as follows:

S 89-H. CHILD PSYCHIATRY ACCESS FUND. 1. A SPECIAL FUND TO BE KNOWN AS THE "CHILD PSYCHIATRY ACCESS FUND" IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE.

2. THE FUND SHALL CONSIST OF ALL MONEYS TRANSFERRED TO SUCH FUND PURSUANT TO LAW, ALL MONEYS REQUIRED BY ANY PROVISION OF LAW TO BE PAID INTO OR CREDITED TO THE FUND, ALL MONEYS FROM GIFTS PURSUANT TO SECTION SIX HUNDRED TWENTY-EIGHT-A OF THE TAX LAW AND ANY INTEREST EARNINGS WHICH MAY ACCRUE FROM THE INVESTMENT OF MONEYS IN THE FUND. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

3. MONEYS OF THE FUND, WHEN ALLOCATED, SHALL BE MADE AVAILABLE TO THE OFFICE OF MENTAL HEALTH SOLELY FOR THE PURPOSE OF ESTABLISHING CHILD PSYCHIATRY PROJECTS PURSUANT TO SECTION 7.42 OF THE MENTAL HYGIENE LAW.

4. MONEYS SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF THE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMISSIONER OF MENTAL HEALTH.

S 4. This act shall take effect on the ninetieth day after it shall have become a law.