

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 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 THIRTEEN, 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;

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

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

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

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

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

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

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

19 1. THE NUMBER AND AGE OF SUCH INDIVIDUALS;

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

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

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

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

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

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

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

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

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

48 S 2. This act shall take effect immediately.