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

S. 3013 A. 3575

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

January 28, 2013

IN SENATE -- Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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

AN ACT to amend the mental hygiene law, in relation to including the executive officer of a local government's office for the aging in the composition of such government's local community service board

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

Section 1. Subdivisions (a) and (b) of section 41.11 of the mental hygiene law, as amended by section 52 of chapter 37 of the laws of 2011, are amended to read as follows:

(a) In all local governments with a population less than one hundred thousand, community services boards, at the option of the local government, shall have either nine or fifteen members appointed by the local government. In all other local governments, a community services board shall have fifteen members appointed by the local government.

Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for persons with mental disabilities. ONE MEMBER SHALL BE THE EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT'S OFFICE FOR THE AGING. The other members shall represent the community interest in all the problems of persons with mental disabilities and shall include representatives from community agencies for persons with mental illness, developmental disabilities, and those suffering from alcoholism and substance abuse. The community services board shall have separate subcommittees for mental health, developmental disabilities, and alcoholism or, at the discretion of the local govern-

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

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ment, alcoholism and substance abuse. Each separate subcommittee shall have no more than nine members appointed by the local government, except that each subcommittee for mental health shall have no more than eleven members appointed by the local government. Three of each such subcommittee shall be members of the board. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such persons with mental disabilities and community agencies serving the particular class of mentally disabled, except that each subcommittee for mental health shall include at least two members who are or were consumers of mental health services, and at least two members who are parents or relatives of persons with mental illness. Each separate subcommittee shall advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of mentally disabled individuals represented by such subcommittee. In addition, each subcommittee for mental health shall be authorized to annually evaluate the local services plan, and shall be authorized to report on the consistency of such plan with the needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances. Any such report shall be forwarded annually to the community services board and the director of community services and a copy shall also be sent to the commissioner prior to the submission of the local services plan, provided, however, that the provisions of this paragraph shall not apply to cities of over a million in population.

(b) In cities of over a million a community services board shall consist of fifteen members to be appointed by the mayor. There shall be at least two residents of each county within such cities on the board. At least one shall be a licensed physician and at least one shall be a certified psychologist. ONE MEMBER SHALL BE THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT FOR THE AGING. The other members shall represent the community interest in all of the problems of the mentally disabled and shall include representatives from community agencies for persons with mental illness and developmental disabilities, and those suffering from alcoholism and substance abuse. The community services board shall have separate subcommittees for mental health, developmental disabilities, and alcoholism or, at the discretion of the local government, alcoholism and substance abuse. Each separate subcommittee shall have no more than nine members appointed by the local government, except that each subcommittee for mental health shall have no more than eleven members appointed by the local government. Three members of each such subcommittee shall be members of the board. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such persons with mental disabilities and community agencies serving the particular class of mentally disabled, except that each subcommittee for mental health shall include at least two members who are or were consumers of mental health services, and two members who are parents or relatives of persons with mental illness. Each separate subcommittee shall advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of individuals with mental disabilities represented by such

subcommittee. In addition, each subcommittee for mental health shall be authorized to annually evaluate the local services plan, and shall be authorized to report on the consistency of such plan with the needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances. Any such report shall be forwarded annually to the community services board and the director of community services, and a copy shall also be sent to the commissioner prior to the submission of the local services plan.

S 2. Subdivisions (a) and (b) of section 41.11 of the mental hygiene law, as amended by section 52-a of chapter 37 of the laws of 2011, are amended to read as follows:

(a) In all local governments with a population less than one hundred thousand, community services board, at the option of the local government, shall have either nine or fifteen members appointed by the local government. In all other local governments, a community services board shall have fifteen members appointed by the local government.

Whenever practicable at least one member shall be a licensed physician and one member shall be a certified psychologist and otherwise at least two members shall be licensed physicians, such members to have demonstrated an interest in the field of services for the mentally disabled. ONE MEMBER SHALL BE THE EXECUTIVE OFFICER OF THE LOCAL GOVERNMENT'S OFFICE FOR THE AGING. The other members shall represent the community interest in all the problems of the mentally disabled and shall include representatives from community agencies for individuals with mental illness, developmental disabilities, and those suffering from alcoholism and substance abuse. The community services board shall have separate subcommittees for mental health, developmental disabilities, and alcoholism or, at the discretion of the local government, alcoholism and substance abuse. Each separate subcommittee shall have no more than nine members appointed by the local government. Three of each such subcommittee shall be members of the board. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of mentally disabled and shall include former patients, parents or relatives of such mentally disabled persons and community agencies serving the particular class of mentally disabled. Each separate subcommittee shall advise the community services board and the director of community services regarding the exercise of all policy-making functions vested in such board or director, as such functions pertain to the field of services for the particular class of individuals with mental disabilities represented by such subcommittee. Provided however that the provisions of this paragraph shall not apply to cities of over a million in population.

(b) In cities of over a million a community services board shall consist of fifteen members to be appointed by the mayor. There shall be at least two residents of each county within such cities on the board. At least one shall be a licensed physician and at least one shall be a certified psychologist. ONE MEMBER SHALL BE THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT FOR THE AGING. The other members shall represent the community interest in all of the problems of persons with mental disabilities and shall include representatives from community agencies for persons with mental illness, developmental disabilities, and those suffering from alcoholism and substance abuse. The community services board shall have separate subcommittees for mental health, developmental disabilities, and alcoholism or, at the discretion of the local government, alcoholism and substance abuse. Each separate subcommittee shall have no more than nine members appointed by the local government. Three

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S 3. This act shall take effect immediately; provided that the amendments to subdivisions (a) and (b) of section 41.11 of the mental hygiene law made by section one of this act shall be subject to the expiration and reversion of such subdivisions pursuant to section 7 of part R2 of chapter 62 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect.