

7842--B

2013-2014 Regular Sessions

I N A S S E M B L Y

June 6, 2013

Introduced by M. of A. GUNTHER, BRENNAN, BARRETT -- Multi-Sponsored by -- M. of A. McDONALD -- read once and referred to the Committee on Mental Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to enacting the "communities of excellence mental health reinvestment act"; and to repeal section 41.55 of the mental hygiene law relating to the community mental health support and workforce reinvestment program

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

- 1 Section 1. This act shall be known and may be cited as the "communi-
2 ties of excellence mental health reinvestment act."
3 S 2. Section 1.03 of the mental hygiene law is amended by adding two
4 new subdivisions 59 and 60 to read as follows:
5 59. "NEW YORK STATE PSYCHIATRIC HOSPITAL IN-PATIENT FACILITIES" SHALL
6 MEAN THOSE STATE OPERATED FACILITIES SERVING ALL ADULTS, ADOLESCENTS AND
7 CHILDREN, INCLUDING ALL OF THE BEDS, WARDS, UNITS, BUILDINGS AND REAL
8 PROPERTY APPURTENANT THERETO.
9 60. "COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES"
10 SHALL MEAN THE FOLLOWING SERVICES FOR PERSONS WITH SERIOUS MENTAL
11 ILLNESS, INCLUDING CHILDREN, ADOLESCENTS AND ADULTS WITH SERIOUS
12 EMOTIONAL DISTURBANCES AND CO-OCCURRING DISORDERS, AS DEFINED ELSEWHERE
13 IN THIS CHAPTER:
14 (A) EMERGENCY AND CRISIS SERVICES PROVIDED IN A PROGRAM LICENSED OR
15 APPROVED BY THE COMMISSIONER;
16 (B) CASE MANAGEMENT AND INTENSIVE CASE MANAGEMENT SERVICES;

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

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1 (C) OUTPATIENT SERVICES WHICH PROVIDE AN ADEQUATE LEVEL OF TREATMENT
2 AND REHABILITATION TO PERSONS LIVING WITH MENTAL ILLNESS, AS APPROVED BY
3 THE COMMISSIONER;

4 (D) RESIDENTIAL SERVICES, OTHER THAN INPATIENT SERVICES, PROVIDED IN
5 PROGRAMS LICENSED OR APPROVED BY THE COMMISSIONER, WHICH MAY INCLUDE,
6 BUT ARE NOT LIMITED TO, COMMUNITY RESIDENCES, RESIDENTIAL CARE CENTERS
7 FOR ADULTS, FAMILY CARE HOMES, CRISIS RESIDENCE OR SUPPORTED HOUSING;

8 (E) COMMUNITY SUPPORT SERVICES AS DEFINED IN SUBDIVISION THIRTEEN OF
9 SECTION 41.03 OF THIS CHAPTER;

10 (F) OTHER SUPPORT SERVICES, INCLUDING, BUT NOT LIMITED TO, PSYCHIATRIC
11 REHABILITATION, CLIENT ADVOCACY, SUPPORTED EMPLOYMENT, CONSUMER
12 SELF-HELP, FAMILY SUPPORT, AND VOCATIONAL TRAINING AS APPROVED BY THE
13 COMMISSIONER;

14 (G) ANY OTHER SERVICES THAT MEET THE NEEDS OF CHILDREN, ADULTS AND
15 ADOLESCENTS IN NON-GOVERNMENTAL COMMUNITY-BASED SETTINGS THAT ARE
16 LICENSED OR APPROVED BY THE COMMISSIONER; AND

17 (H) SERVICES FOR SPECIAL POPULATIONS INCLUDING THOSE LIVING WITH
18 MENTAL ILLNESSES AND HOMELESSNESS, CO-OCCURRING SUBSTANCE ABUSE DISOR-
19 DERS, AND/OR PHYSICAL DISABILITIES THAT MAY IMPEDE RECOVERY FROM MENTAL
20 ILLNESS, AS APPROVED BY THE COMMISSIONER.

21 S 3. Subdivision (a) of section 7.15 of the mental hygiene law, as
22 amended by section 3 of part I of chapter 58 of the laws of 2005, is
23 amended to read as follows:

24 (a) The commissioner shall plan, promote, establish, develop, coordi-
25 nate, evaluate, and conduct programs and services of prevention, diagno-
26 sis, examination, care, treatment, rehabilitation, training, and
27 research for the benefit of the mentally ill. Such programs shall
28 include but not be limited to in-patient, out-patient, partial hospital-
29 ization, day care, emergency, rehabilitative, COMMUNITIES OF EXCELLENCE
30 MENTAL HEALTH REINVESTMENT SERVICES PURSUANT TO SECTION 41.55 OF THIS
31 CHAPTER, and other appropriate treatments and services. He or she shall
32 take all actions that are necessary, desirable, or proper to implement
33 the purposes of this chapter and to carry out the purposes and objec-
34 tives of the department within the amounts made available therefor by
35 appropriation, grant, gift, devise, bequest, or allocation from the
36 mental health services fund established under section ninety-seven-f of
37 the state finance law.

38 S 4. Paragraph 2 of subdivision (a) of section 41.13 of the mental
39 hygiene law, as amended by chapter 746 of the laws of 1986, is amended
40 to read as follows:

41 2. develop the program of local services for the area which it serves,
42 establish long range goals of the local government in its programs for
43 the mentally disabled, and develop intermediate range plans and fore-
44 casts, listing priorities and estimated costs. The office of mental
45 health shall be responsible for such program development relating to
46 community support services in areas where the responsible local govern-
47 mental unit elects, pursuant to subdivision (c) of section 41.47 of this
48 article, not to receive state aid for community support services. Local
49 governmental units which elect not to receive such state aid for commu-
50 nity support services shall integrate information relating to community
51 support services into the comprehensive plan for services, as otherwise
52 required by this article. THE OFFICE OF MENTAL HEALTH SHALL ALSO BE
53 RESPONSIBLE FOR SUCH PROGRAM DEVELOPMENT RELATING TO COMMUNITIES OF
54 EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES IN AREAS WHERE THE
55 RESPONSIBLE LOCAL GOVERNMENT UNIT DOES NOT RECEIVE A GRANT OF STATE AID

1 SPECIFICALLY FOR THE PURPOSE OF FUNDING PROGRAMMING UNDER THE COMMUNI-
2 TIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT ACT.

3 S 5. Section 41.55 of the mental hygiene law is REPEALED and a new
4 section 41.55 is added to read as follows:

5 S 41.55 COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES.

6 (A) SUMS OF MONEY CALCULATED ANNUALLY, BASED UPON THE PROJECTED
7 REDUCTIONS AND CLOSURES FOR THE UPCOMING FISCAL YEAR, OF REDUCTIONS AND
8 CLOSURES IN THE NEW YORK STATE PSYCHIATRIC HOSPITAL INPATIENT HOSPITAL
9 FACILITIES, SHALL BE ALLOCATED ANNUALLY BY THE COMMISSIONER, BASED UPON
10 THE FOLLOWING CRITERIA:

11 (1) FUNDS APPROPRIATED BY THE LEGISLATURE FOR THE DEVELOPMENT, EXPAN-
12 SION AND OPERATION OF NEW AND EXPANDED COMMUNITIES OF EXCELLENCE MENTAL
13 HEALTH REINVESTMENT SERVICES SHALL BE MADE AVAILABLE TO THE OFFICE OF
14 MENTAL HEALTH TO PROVIDE GRANTS OF STATE AID TO THE LOCAL GOVERNMENT
15 UNITS, WHICH MAY INCLUDE ONE OR MORE CONTIGUOUS COUNTIES UPON THE AGREE-
16 MENT OF THE RESPECTIVE DIRECTORS OF COMMUNITY SERVICES AND THE APPROVAL
17 OF THE COMMISSIONER OF MENTAL HEALTH. AMOUNTS SHALL BE MADE AVAILABLE,
18 AND THE COMMISSIONER SHALL ALLOCATE FIFTY PERCENT OF THE SAVINGS AS
19 DEFINED IN SUBDIVISION (B) OF THIS SECTION, FOR APPROPRIATION UPON
20 DETERMINATIONS MADE BY THE COMMISSIONER OF MENTAL HEALTH PURSUANT TO
21 THIS SECTION AND AT A RATE UP TO ONE HUNDRED PERCENT OF THE APPROVED NET
22 OPERATING COSTS OF THE PROGRAM OR SERVICE. THE LOCAL GOVERNMENT UNIT
23 SHALL CONTRACT WITH THE PROVIDERS OF SUCH SERVICES, OR MAY JOINTLY OPER-
24 ATE SAID SERVICES.

25 (2) THE COMMISSIONER SHALL ALLOCATE FIFTY PERCENT OF SUCH FUNDS FROM
26 SAVINGS, ON A PRO RATA BASIS, TO THE DEVELOPMENT OF THE NEW YORK STATE
27 CENTERS OF EXCELLENCE, FOR PURPOSES OF FACILITY DEVELOPMENT,
28 CONSTRUCTION AND IMPROVEMENT, AND FOR WORKFORCE RETENTION, RETRAINING
29 AND WORKFORCE DEVELOPMENT.

30 (B) FOR THE PURPOSES OF THIS SECTION "SAVINGS" SHALL MEAN THE SUMS OF
31 MONEY TO BE SAVED FROM THE REDUCTION OF ANY AND ALL REDUCTIONS AND
32 CLOSURES IN THE NEW YORK STATE PSYCHIATRIC HOSPITAL INPATIENT FACILI-
33 TIES, INCLUDING ALL OF THE BEDS, WARDS, UNITS, BUILDINGS AND REAL PROP-
34 ERTY APPURTENANT THERETO, TO BE CALCULATED ANNUALLY, BASED UPON THE
35 PROJECTED CLOSURES FOR THE UPCOMING FISCAL YEAR, AND ADJUSTED ANNUALLY
36 AT THE END OF THE FISCAL YEAR, AS PART OF THE STATE BUDGET PROCESS.

37 (C) CONTRACTS FOR SERVICES UNDER THE PROVISIONS OF THIS SECTION MAY BE
38 ENTERED INTO FOR A PERIOD NOT TO EXCEED FIVE YEARS, AND MAY BE RENEWED
39 AS APPROPRIATE. ALL FUNDS ALLOCATED HEREIN ARE SUBJECT TO ALL REPORTING
40 REQUIREMENTS AND AGENCY REVIEW AND AUDIT PROVISIONS REQUIRED AND ESTAB-
41 LISHED ELSEWHERE IN LAW, THAT ARE APPLICABLE TO PROGRAMS AND SERVICES
42 PROVIDED THROUGH THE OFFICE OF MENTAL HEALTH.

43 (D) STATE AID GRANTS AND OTHER FUNDING PROVIDED PURSUANT TO THIS
44 SECTION SHALL ONLY BE USED TO FUND COMMUNITIES OF EXCELLENCE MENTAL
45 HEALTH REINVESTMENT SERVICES, INCLUDING APPROVED ADMINISTRATIVE
46 EXPENSES. SUCH GRANTS AND OTHER FUNDS SHALL NOT BE USED FOR CAPITAL
47 COSTS ASSOCIATED WITH THE DEVELOPMENT OF COMMUNITIES OF EXCELLENCE
48 MENTAL HEALTH REINVESTMENT SERVICES; PROVIDED, HOWEVER, THAT SUCH FUNDS
49 MAY BE USED FOR PROGRAM DEVELOPMENT COSTS FOR SUCH SERVICES.

50 S 6. Subdivision (c) of section 5.07 of the mental hygiene law is
51 amended by adding a new paragraph 6 to read as follows:

52 (6) (A) THE OFFICE OF MENTAL HEALTH SHALL CREATE, WITHIN THIRTY DAYS
53 OF THE EFFECTIVE DATE OF THIS PARAGRAPH, AN INVENTORY OF ALL EXISTING
54 IN-PATIENT FACILITIES AS DESCRIBED IN SECTION 41.55 OF THIS CHAPTER. THE
55 OFFICE OF MENTAL HEALTH SHALL ALSO BE REQUIRED AS PART OF THE INVENTORY

1 TO EVALUATE AND ASSIGN AN ACTUAL DOLLAR AMOUNT TO THE COST OF EACH OF
2 THE ITEMS SET FORTH IN SUCH DESCRIPTION.

3 (B) IN CONJUNCTION WITH THE PLANNING FOR THE NEW YORK STATE OFFICE OF
4 MENTAL HEALTH REGIONAL CENTERS OF EXCELLENCE, THE COMMISSIONER IS
5 DIRECTED TO PREPARE A REPORT, TO BE DELIVERED TO THE LEGISLATURE, NO
6 LATER THAN FEBRUARY TWENTY-EIGHTH, TWO THOUSAND FOURTEEN, OUTLINING THE
7 PLAN FOR DOWNSIZING THE INPATIENT PSYCHIATRIC HOSPITAL, INCLUSIVE OF:

8 (I) THE NAME, LOCATION AND CATCHMENT AREAS OF EACH OF THE REGIONAL
9 CENTERS OF EXCELLENCE;

10 (II) THE SERVICES TO BE PROVIDED AT EACH REGIONAL CENTER OF EXCEL-
11 LENCE, INCLUSIVE OF INPATIENT, OUTPATIENT, TRANSITIONAL AND STATE OPER-
12 ATED COMMUNITY-BASED PROGRAMS;

13 (III) THE ANTICIPATED STAFFING LEVELS WHICH WILL BE IN PLACE AT EACH
14 FACILITY FOR TWO THOUSAND FOURTEEN -- TWO THOUSAND FIFTEEN STATE FISCAL
15 YEAR;

16 (IV) THE ANTICIPATED NUMBER OF BEDS AT EACH FACILITY; AND

17 (V) THE FACILITIES, WARDS, UNITS AND BEDS TO BE ELIMINATED AT EACH OF
18 THE FACILITIES INCLUDED IN CLAUSES (I), (II), (III) AND (IV) OF THIS
19 SUBPARAGRAPH.

20 (C) UPON COMPLETION OF THIS REPORT REQUIRED BY SUBPARAGRAPH (B) OF
21 THIS PARAGRAPH, AND BEGINNING WITH THE TWO THOUSAND FOURTEEN -- TWO
22 THOUSAND FIFTEEN STATE FISCAL YEAR, CLAUSES (I), (II), (III), (IV) AND
23 (V) OF SUBPARAGRAPH (B) OF THIS PARAGRAPH SHALL BE INCORPORATED INTO THE
24 PLAN REQUIRED BY THIS SUBDIVISION.

25 S 7. This act shall take effect immediately; provided that section six
26 of this act shall take effect on the same date and in the same manner as
27 section 3 of part N of chapter 56 of the laws of 2012, as amended.