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

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2013-2014 Regular Sessions

I N S E N A T E

May 30, 2013

Introduced by Sens. TKACZYK, BRESLIN, KRUEGER, PARKER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, 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:

Section 1. This act shall be known and may be cited as the "communities of excellence mental health reinvestment act."

S 2. Section 1.03 of the mental hygiene law is amended by adding two new subdivisions 59 and 60 to read as follows:

59. "NEW YORK STATE PSYCHIATRIC HOSPITAL IN-PATIENT FACILITIES" SHALL MEAN THOSE STATE OPERATED FACILITIES SERVING ALL ADULTS, ADOLESCENTS AND CHILDREN, INCLUDING ALL OF THE BEDS, WARDS, UNITS, BUILDINGS AND REAL PROPERTY APPURTENANT THERETO.

60. "COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES" SHALL MEAN THE FOLLOWING SERVICES FOR PERSONS WITH SERIOUS MENTAL ILLNESS, INCLUDING CHILDREN, ADOLESCENTS AND ADULTS WITH SERIOUS EMOTIONAL DISTURBANCES AND CO-OCCURRING DISORDERS, AS DEFINED ELSEWHERE IN THIS CHAPTER:

(A) EMERGENCY AND CRISIS SERVICES PROVIDED IN A PROGRAM LICENSED OR APPROVED BY THE COMMISSIONER;

(B) CASE MANAGEMENT AND INTENSIVE CASE MANAGEMENT SERVICES;

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

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

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

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

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

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

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

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

(a) The commissioner shall plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services of prevention, diagnosis, examination, care, treatment, rehabilitation, training, and research for the benefit of the mentally ill. Such programs shall include but not be limited to in-patient, out-patient, partial hospitalization, day care, emergency, rehabilitative, COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES PURSUANT TO SECTION 41.55 OF THIS CHAPTER, and other appropriate treatments and services. He or she shall take all actions that are necessary, desirable, or proper to implement the purposes of this chapter and to carry out the purposes and objectives of the department within the amounts made available therefor by appropriation, grant, gift, devise, bequest, or allocation from the mental health services fund established under section ninety-seven-f of the state finance law.

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

2. develop the program of local services for the area which it serves, establish long range goals of the local government in its programs for the mentally disabled, and develop intermediate range plans and forecasts, listing priorities and estimated costs. The office of mental health shall be responsible for such program development relating to community support services in areas where the responsible local governmental unit elects, pursuant to subdivision (c) of section 41.47 of this article, not to receive state aid for community support services. Local governmental units which elect not to receive such state aid for community support services shall integrate information relating to community support services into the comprehensive plan for services, as otherwise required by this article. THE OFFICE OF MENTAL HEALTH SHALL ALSO BE RESPONSIBLE FOR SUCH PROGRAM DEVELOPMENT RELATING TO COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES IN AREAS WHERE THE RESPONSIBLE LOCAL GOVERNMENT UNIT DOES NOT RECEIVE A GRANT OF STATE AID SPECIFICALLY FOR THE PURPOSE OF FUNDING PROGRAMMING UNDER THE COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT ACT.

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

S 41.55 COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES.

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

(1) FUNDS APPROPRIATED BY THE LEGISLATURE FOR THE DEVELOPMENT, EXPANSION AND OPERATION OF NEW AND EXPANDED COMMUNITIES OF EXCELLENCE MENTAL HEALTH REINVESTMENT SERVICES SHALL BE MADE AVAILABLE TO THE OFFICE OF MENTAL HEALTH TO PROVIDE GRANTS OF STATE AID TO THE LOCAL GOVERNMENT UNITS, WHICH MAY INCLUDE ONE OR MORE CONTIGUOUS COUNTIES UPON THE AGREEMENT OF THE RESPECTIVE DIRECTORS OF COMMUNITY SERVICES AND THE APPROVAL OF THE COMMISSIONER OF MENTAL HEALTH. AMOUNTS SHALL BE MADE AVAILABLE, AND THE COMMISSIONER SHALL ALLOCATE FIFTY PERCENT OF THE SAVINGS AS DEFINED IN SUBDIVISION (B) OF THIS SECTION, FOR APPROPRIATION UPON DETERMINATIONS MADE BY THE COMMISSIONER OF MENTAL HEALTH PURSUANT TO THIS SECTION AND AT A RATE UP TO ONE HUNDRED PERCENT OF THE APPROVED NET OPERATING COSTS OF THE PROGRAM OR SERVICE. THE LOCAL GOVERNMENT UNIT SHALL CONTRACT WITH THE PROVIDERS OF SUCH SERVICES, OR MAY JOINTLY OPERATE SAID SERVICES.

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

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

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

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

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

(6) (A) THE OFFICE OF MENTAL HEALTH SHALL CREATE, WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH, AN INVENTORY OF ALL EXISTING IN-PATIENT FACILITIES AS DESCRIBED IN SECTION 41.55 OF THIS CHAPTER. THE OFFICE OF MENTAL HEALTH SHALL ALSO BE REQUIRED AS PART OF THE INVENTORY TO EVALUATE AND ASSIGN AN ACTUAL DOLLAR AMOUNT TO THE COST OF EACH OF THE ITEMS SET FORTH IN SUCH DESCRIPTION.

(B) IN CONJUNCTION WITH THE PLANNING FOR THE NEW YORK STATE OFFICE OF MENTAL HEALTH REGIONAL CENTERS OF EXCELLENCE, THE COMMISSIONER IS DIRECTED TO PREPARE A REPORT, TO BE DELIVERED TO THE LEGISLATURE, NO

LATER THAN FEBRUARY TWENTY-EIGHTH, TWO THOUSAND FOURTEEN, OUTLINING THE PLAN FOR DOWNSIZING THE INPATIENT PSYCHIATRIC HOSPITAL, INCLUSIVE OF:

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

(II) THE SERVICES TO BE PROVIDED AT EACH REGIONAL CENTER OF EXCELLENCE, INCLUSIVE OF INPATIENT, OUTPATIENT, TRANSITIONAL AND STATE OPERATED COMMUNITY-BASED PROGRAMS;

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

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

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

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

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