

3860

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 27, 2015

---

Introduced by M. of A. BRENNAN, JAFFEE -- Multi-Sponsored by -- M. of A. ABBATE, CLARK, COLTON, COOK, DINOWITZ, HOOPER, LUPARDO, ORTIZ, SCARBOROUGH, WRIGHT -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to establishing a right to treatment for seriously emotionally disturbed children who are certified and waiting to be placed in a residential placement facility for children and youth

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

1     Section 1. Section 9.51 of the mental hygiene law is amended by adding  
2     two new subdivisions (h) and (i) to read as follows:  
3     (H) WHENEVER A PERSON BECOMES CERTIFIED BY THE PRE-ADMISSION CERTIFI-  
4     CATION COMMITTEE AND IS WAITING FOR PLACEMENT, SUCH PERSON SHALL HAVE  
5     THE RIGHT TO THE MENTAL HEALTH SERVICES FOR WHICH THEY ARE ELIGIBLE AND  
6     WHICH ARE CUSTOMARILY PROVIDED IN A RESIDENTIAL FACILITY UNTIL THAT  
7     PERSON IS PLACED IN AN APPROPRIATE RESIDENTIAL TREATMENT FACILITY. THE  
8     COMMISSIONER SHALL BE CHARGED WITH THE RESPONSIBILITY FOR ASSURING THE  
9     DEVELOPMENT OF COMPREHENSIVE PLANS, PROGRAMS, AND SERVICES IN THE AREAS  
10    OF EARLY PREVENTION, CARE AND TREATMENT, AND EDUCATION. SERVICES SHALL  
11    BE PROVIDED WITHIN A REASONABLE PERIOD OF TIME AFTER CERTIFICATION AND  
12    APPROPRIATE TO INDIVIDUAL NEEDS IN THE ENVIRONMENT NECESSARY TO ACHIEVE  
13    THE PURPOSES OF TREATMENT UNTIL SUCH INDIVIDUALS ARE PLACED IN A RESI-  
14    DENTIAL TREATMENT FACILITY. THE COMMISSIONER, IN CARRYING OUT THE  
15    PROVISIONS OF THIS SUBDIVISION, SHALL:  
16    (1) DEVELOP, ESTABLISH, AND PROMULGATE A PROCEDURE TO IMPLEMENT THE  
17    PROVISIONS OF THIS SUBDIVISION. SUCH PROCEDURE SHALL BE BASED UPON THE  
18    INDIVIDUAL NEEDS OF THE PERSON; AND  
19    (2) NOTIFY, COOPERATE, GUIDE, AND ASSIST LOCAL AGENCIES, LOCAL GOVERN-  
20    MENT UNITS, COMMUNITY SERVICE BOARDS, AND/OR PROVIDERS OF SERVICE.

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

LBD01800-01-5

1 (I) THE COMMISSIONER SHALL IDENTIFY THE CHARACTERISTICS AND NUMBER OF  
2 CHILDREN AND ADOLESCENTS WHO ARE CERTIFIED BY THE PRE-ADMISSION CERTIF-  
3 ICATION COMMITTEE IN NEED OF APPROPRIATE SERVICES, DESCRIBE THE EDUCA-  
4 TIONAL, MENTAL HEALTH OR OTHER TREATMENT SERVICES NEEDED, DESCRIBE  
5 CURRENTLY AVAILABLE PROGRAMS AND RESOURCES, RECOMMEND A PLAN TO MEET THE  
6 NEEDS OF SUCH CHILDREN, RECOMMEND PRIORITIES FOR THE CONTINUATION OR  
7 DEVELOPMENT OF PROGRAMS AND RESOURCES, AND MAKE AN ASSESSMENT OF THE  
8 SUCCESS OF THE SERVICES SO PROVIDED.

9 S 2. This act shall take effect on the first of January next succeed-  
10 ing the date on which it shall have become a law.