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

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2015-2016 Regular Sessions

I N A S S E M B L Y

April 22, 2015

Introduced by M. of A. GUNTHER, BARRETT, RODRIGUEZ, McDONALD, LINARES -- read once and referred to the Committee on Mental Health -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the mental hygiene law, in relation to appointments and duties of the developmental disabilities advisory council and to the submission and posting of a statewide plan for services

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

Section 1. Subdivision (a) and the opening paragraph of subdivision (c) of section 13.05 of the mental hygiene law, subdivision (a) as amended by chapter 37 of the laws of 2011 and the opening paragraph of subdivision (c) as amended by section 5 of part N of chapter 56 of the laws of 2012, are amended to read as follows:

(a) There is hereby established a developmental disabilities advisory council. The council shall consist of the commissioner, the chairman of the conference of local mental hygiene directors or his designee, and [at least] NO LESS THAN thirty-three members [to be appointed by the governor] APPOINTED AS FOLLOWS: TWENTY-THREE MEMBERS APPOINTED BY THE GOVERNOR; FIVE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE; AND FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY. ANY INCREASE IN THE NUMBER OF MEMBERS SHALL BE APPOINTED PROPORTIONALLY BY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, TO THE EXTENT PRACTICABLE. Members shall be appointed only if they have demonstrated an active interest in or have obtained professional knowledge in the care of persons with developmental disabilities or in the field of developmental disabilities generally. The governor shall designate one of the appointed members as chair. The council shall at all times include in its membership representatives of community service board developmental disabilities subcommittees, providers of services and non-governmental organizations concerned with services for

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

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persons with developmental disabilities. At least one-third of the membership of the advisory council shall consist of consumer representatives including persons with developmental disabilities, or their parents or guardians.

The developmental disabilities advisory council shall have no executive, administrative or appointive duties. The council shall have the duty to foster public understanding and acceptance of developmental disabilities. It shall, in cooperation with the commissioner of developmental disabilities, provide recommendations for statewide priorities and goals for services for individuals with developmental disabilities [and], INCLUDING, BUT NOT LIMITED TO, THE REGIONAL HOUSING NEEDS AND PRIORITY OF SUCH NEED BASED ON THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES REGISTRATION WAITLIST; EMPLOYMENT OPPORTUNITIES, INCLUDING ALTERNATIVE WORK SETTINGS; SELF-DIRECTED MODELS OF CARE; THE CENSUS REDUCTION OF INSTITUTIONAL SERVICE SETTINGS AND REINVESTMENT OF SAVINGS FROM SUCH REDUCTION INTO COMMUNITY BASED SERVICES; AND ANY OTHER PROGRAMMATIC OR LEGISLATIVE NEED RELATED TO THE STATE MEETING ITS STATUTORY REQUIREMENTS PERTAINING TO THE OLMSTEAD PLAN. THE COUNCIL shall ALSO advise the commissioner on matters related to development and implementation of the statewide comprehensive plan as required under section 5.07 of this chapter. The advisory council shall have the power to consider any matter relating to the improvement of the state developmental disabilities program and shall advise the commissioner of developmental disabilities thereon and on any matter relating to the performance of their duties with relation to individuals with developmental disabilities and on policies, goals, budget and operation of developmental disabilities services.

S 2. Paragraph 3 of subdivision (b) of section 5.07 of the mental hygiene law, as amended by section 3 of part N of chapter 56 of the laws of 2012, is amended to read as follows:

(3) The commissioners of each of the offices shall be responsible for the development of such statewide five-year plan for services within the jurisdiction of their respective offices and after giving due notice shall conduct one or more public hearings on such plan. The behavioral health services advisory council and the advisory council on developmental disabilities shall review the statewide five year comprehensive plan developed by such office or offices and report its recommendations thereon to such commissioner or commissioners. Each commissioner shall submit the plan, with appropriate modifications, to the governor no later than the first day of November of each year in order that such plan may be considered with the estimates of the offices for the preparation of the executive budget of the state of New York for the next succeeding state fiscal year. Such comprehensive plan shall be submitted to the legislature and also be posted to the website of each office NO LATER THAN THE FIFTEENTH OF JANUARY OF EACH YEAR. Statewide plans shall ensure responsiveness to changing needs and goals and shall reflect the development of new information and the completion of program evaluations. An interim report detailing the commissioner's actions in fulfilling the requirements of this section in preparation of the plan and modifications in the plan of services being considered by the commissioner shall be submitted to the governor and the legislature on or before the fifteenth day of March of each year. Such interim report shall include, but need not be limited to:

(a) actions to include participation of consumers, consumer groups, providers of services and departmental facilities, as required by this subdivision; and

(b) any modifications in the plan of services being considered by the commissioner, to include: (i) compelling budgetary, programmatic or clinical justifications or other major appropriate reason for any significant new statewide programs or policy changes from a prior (approved) five year comprehensive plan; and (ii) procedures to involve or inform local governmental units of such actions or plans.

S 3. This act shall take effect immediately; provided, however, that the amendments to subdivision (a) of section 13.05 of the mental hygiene law made by section one of this act shall take effect upon the next succeeding re-appointment time period, or as vacancies occur, and provided, further, that the amendments to the opening paragraph of subdivision (c) of section 13.05 of the mental hygiene law made by section one of this act shall take effect April 1, 2016.