

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.

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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.