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

7332

2015-2016 Regular Sessions

I N A S S E M B L Y

May 6, 2015

Introduced by M. of A. LUPARDO, CROUCH, GOTTFRIED, BRINDISI, SANTABARBARA, BLAKE, ENGLEBRIGHT, DAVILA, MOSLEY, GALEF, SIMON, BARRON, ARROYO, MONTESANO, DUPREY, NOJAY, KEARNS, RAIA, WALTER -- Multi-Sponsored by -- M. of A. ABBATE, BROOK-KRASNY, HAWLEY, LENTOL, LUPINACCI, MAGEE, McDONALD, McDONOUGH, McLAUGHLIN, WALKER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing state operated opportunities for people with developmental disabilities

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

Section 1. Section 13.17 of the mental hygiene law is amended by adding a new subdivision (d) to read as follows:

(D) 1. THE COMMISSIONER SHALL ENSURE FOR CONTINUITY OF CARE FOR INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY TRANSITIONING TO LESS RESTRICTIVE SETTINGS PURSUANT TO ANY CLOSURE, CONSOLIDATION, MERGER OR ANY OTHER ACTION THAT DIMINISHES CURRENT STATE OPERATED SERVICES. THE COMMISSIONER SHALL ENSURE THAT INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY SO AFFECTED ARE GIVEN THE OPTION OF TRANSITIONING TO STATE OPERATED SERVICES WITHIN THE DEVELOPMENTALLY DISABLED SERVICE OFFICES REGION WHERE THEY ARE CURRENTLY RECEIVING SERVICES. IF NO SUCH STATE SERVICE AS REQUESTED BY THE INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY OR THEIR PARENT, GUARDIAN OR ADVOCATE ARE AVAILABLE THEN SUCH INDIVIDUAL SHALL REMAIN IN THE FACILITY OR RESIDENCE UNTIL SAID SERVICES ARE AVAILABLE. THE COMMISSIONER SHALL DOCUMENT EACH OFFER OF STATE OPERATED OPPORTUNITIES AND SHALL RETAIN A RECORD OF THE SERVICES OFFERED.

2. IN THE EVENT NO SERVICES DESIRED BY THE INDIVIDUALS THAT ARE DEVELOPMENTALLY DISABLED ARE EITHER AVAILABLE OR EXIST WITHIN CURRENT STATE OPERATED SERVICES, THE OFFICE SHALL RECORD THE NAME, PARENT, GUARDIAN OR ADVOCATE AND SERVICES THEY ARE SEEKING. THE COMMISSIONER SHALL DEVELOP A RECORD OF SERVICES FOR STATE OPERATED SUPPORTIVE PLACEMENT OPTIONS THAT ARE NOT AVAILABLE WITH A PLAN TO ADDRESS THE UNMET NEEDS FOR THE FOLLOW-

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

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ING FISCAL YEAR. SUCH COMMISSIONER SHALL SUBMIT THE PLAN TO THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY NO LATER THAN DECEMBER THIRTY-FIRST OF EACH YEAR.

S 2. This act shall take effect immediately.