

7840

2015-2016 Regular Sessions

I N A S S E M B L Y

May 28, 2015

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Mental Health

AN ACT to amend chapter 408 of the laws of 1999 amending the mental hygiene law and other laws relating to enacting Kendra's Law, in relation to grants for mental illness and chemical dependence treatment services during the pendency of a medical assistance eligibility determination

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

1 Section 1. Section 15 of chapter 408 of the laws of 1999 amending the
2 mental hygiene law and other laws relating to enacting Kendra's Law, is
3 amended to read as follows:
4 S 15. (a) Within amounts appropriated therefor, the commissioner of
5 mental health shall provide grants to each county and the city of New
6 York, which shall be used by each such county or city, to provide medi-
7 cation, and other services necessary to prescribe and administer medica-
8 tion to treat mental illness during the pendency of a medical assistance
9 eligibility determination. Such eligibility determination shall be
10 completed in a timely and expeditious manner as required by applicable
11 regulations of the commissioner of health. Counties or the city shall
12 use such grants to provide medications prescribed to treat mental
13 illness for individuals for whom the process of applying for medical
14 assistance benefits has been commenced prior to or within one week of
15 discharge or release and who[: (1)] are discharged from a hospital, as
16 defined in section 1.03 of the mental hygiene law[, or (2) have received
17 services in or from a forensic or similar mental health unit of a
18 correctional facility or local correctional facility as defined in
19 section two of the correction law].
20 (b) Such grants to provide medications shall be subject to the commis-
21 sioner's approval and supervision of an efficient and effective plan
22 submitted by a county or the city of New York. Such plans shall include,

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

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1 but not be limited to, the following: (i) the process by which the coun-
2 ty or the city of New York will improve the timely and expeditious
3 filing of medical assistance applications and coordinate the filing of
4 applications for other public benefits for which the population
5 described in subdivision (a) of this section may be eligible; (ii) the
6 process by which medications prescribed to treat mental illness for such
7 individuals will be available at or near the time of release or
8 discharge; (iii) a specific description of the process by which such
9 individuals will be referred to a county or city provider, or a provider
10 which contracts with the county or city, to provide medication at or
11 near the time of release or discharge; and (iv) the process to provide
12 information necessary for the New York state office of mental health to
13 file appropriate medical assistance claims.

14 (c) WITHIN AMOUNTS APPROPRIATED THEREFOR, THE COMMISSIONER OF MENTAL
15 HEALTH SHALL PROVIDE GRANTS TO EACH COUNTY AND THE CITY OF NEW YORK,
16 WHICH SHALL BE USED BY EACH SUCH COUNTY OR CITY, TO PROVIDE MENTAL
17 ILLNESS AND CHEMICAL ABUSE SERVICES NECESSARY TO TREAT MENTAL ILLNESS
18 AND CHEMICAL DEPENDENCE DURING THE PENDENCY OF A MEDICAL ASSISTANCE
19 ELIGIBILITY DETERMINATION. SUCH ELIGIBILITY DETERMINATION SHALL BE
20 COMPLETED IN A TIMELY AND EXPEDITIOUS MANNER AS REQUIRED BY APPLICABLE
21 REGULATIONS OF THE COMMISSIONER OF HEALTH. SUCH COUNTIES OR CITY SHALL
22 USE SUCH GRANTS TO PROVIDE SUCH SERVICES FOR INDIVIDUALS FOR WHOM THE
23 PROCESS OF APPLYING FOR MEDICAL ASSISTANCE BENEFITS HAS BEEN COMMENCED
24 PRIOR TO OR WITHIN ONE WEEK OF DISCHARGE OR RELEASE AND WHO HAVE
25 RECEIVED SIMILAR SERVICES TO TREAT MENTAL ILLNESS AND CHEMICAL DEPEND-
26 ENCE IN A CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY AS
27 DEFINED IN SECTION 2 OF THE CORRECTION LAW. ELIGIBILITY FOR THE GRANTS
28 PROGRAM WILL BE FOR 60 DAYS AFTER RELEASE, OR FINAL MEDICAL ASSISTANCE
29 ELIGIBILITY DETERMINATION, WHICHEVER IS SOONER.

30 (D) SUCH GRANTS SHALL BE SUBJECT TO THE COMMISSIONER'S APPROVAL AND
31 SUPERVISION OF AN EFFICIENT AND EFFECTIVE PLAN SUBMITTED BY A COUNTY OR
32 THE CITY OF NEW YORK. SUCH PLANS SHALL INCLUDE, BUT NOT BE LIMITED TO,
33 THE FOLLOWING: (I) THE PROCESS BY WHICH THE COUNTY OR THE CITY OF NEW
34 YORK WILL IMPROVE THE TIMELY AND EXPEDITIOUS FILING OF MEDICAL ASSIST-
35 ANCE APPLICATIONS AND COORDINATE THE FILING OF APPLICATIONS FOR OTHER
36 PUBLIC BENEFITS FOR WHICH THE POPULATION DESCRIBED IN SUBDIVISION (A) OF
37 THIS SECTION MAY BE ELIGIBLE; (II) A SPECIFIC DESCRIPTION OF THE PROCESS
38 BY WHICH SUCH INDIVIDUALS WILL BE REFERRED TO A COUNTY OR CITY PROVIDER,
39 OR A PROVIDER WHICH CONTRACTS WITH THE COUNTY OR CITY, TO PROVIDE MENTAL
40 ILLNESS AND CHEMICAL ABUSE SERVICES, INCLUDING HEALTH HOMES AT OR NEAR
41 THE TIME OF RELEASE OR DISCHARGE; AND (III) THE PROCESS TO PROVIDE
42 INFORMATION NECESSARY FOR THE NEW YORK STATE OFFICE OF MENTAL HEALTH TO
43 FILE APPROPRIATE MEDICAL ASSISTANCE CLAIMS.

44 (E) Further, upon application of a county or the city of New York, and
45 within the amounts appropriated therefor, the commissioner of mental
46 health shall be authorized to provide grants to such county or city to
47 be used to assist the local governmental units, as defined in section
48 41.03 of the mental hygiene law, in the development of plans pursuant to
49 [subdivision] SUBDIVISIONS (b) AND (D) of this section, or to be used at
50 local correctional facilities to improve the coordination between the
51 individuals defined in [subdivision] SUBDIVISIONS (a) AND (C) of this
52 section and the appropriate county representative or other [individual]
53 INDIVIDUALS OR PROVIDERS who will provide the [psychiatric medications]
54 MENTAL ILLNESS AND CHEMICAL ABUSE SERVICES available under this program
55 as determined in the plans approved in subdivision [(b)] (D) of this
56 section, and to assist such individuals in applying for medical assist-

1 ance and other public benefits. The commissioner of mental health is
2 hereby authorized to promulgate and adopt rules and regulations neces-
3 sary to implement this section.

4 S 2. This act shall take effect April 1, 2016; provided, however, that
5 the amendments to section 15 of chapter 408 of the laws of 1999 made by
6 section one of this act shall not affect the repeal of such section and
7 shall be deemed to be repealed therewith.