

4094

2015-2016 Regular Sessions

I N S E N A T E

February 26, 2015

Introduced by Sen. LIBOUS -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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:

1 Section 1. Section 13.17 of the mental hygiene law is amended by
2 adding a new subdivision (d) to read as follows:
3 (D) 1. THE COMMISSIONER SHALL ENSURE FOR CONTINUITY OF CARE FOR INDI-
4 VIDUALS WITH A DEVELOPMENTAL DISABILITY TRANSITIONING TO LESS RESTRIC-
5 TIVE SETTINGS PURSUANT TO ANY CLOSURE, CONSOLIDATION, MERGER OR ANY
6 OTHER ACTION THAT DIMINISHES CURRENT STATE OPERATED SERVICES. THE
7 COMMISSIONER SHALL ENSURE THAT INDIVIDUALS WITH A DEVELOPMENTAL DISABIL-
8 ITY SO AFFECTED ARE GIVEN THE OPTION OF TRANSITIONING TO STATE OPERATED
9 SERVICES WITHIN THE DEVELOPMENTALLY DISABLED SERVICE OFFICES REGION
10 WHERE THEY ARE CURRENTLY RECEIVING SERVICES. IF NO SUCH STATE SERVICE AS
11 REQUESTED BY THE INDIVIDUALS WITH A DEVELOPMENTAL DISABILITY OR THEIR
12 PARENT, GUARDIAN OR ADVOCATE ARE AVAILABLE THEN SUCH INDIVIDUAL SHALL
13 REMAIN IN THE FACILITY OR RESIDENCE UNTIL SAID SERVICES ARE AVAILABLE.
14 THE COMMISSIONER SHALL DOCUMENT EACH OFFER OF STATE OPERATED OPPORTU-
15 NITIES AND SHALL RETAIN A RECORD OF THE SERVICES OFFERED.
16 2. IN THE EVENT NO SERVICES DESIRED BY THE INDIVIDUALS THAT ARE DEVEL-
17 OPMENTALLY DISABLED ARE EITHER AVAILABLE OR EXIST WITHIN CURRENT STATE
18 OPERATED SERVICES, THE OFFICE SHALL RECORD THE NAME, PARENT, GUARDIAN OR
19 ADVOCATE AND SERVICES THEY ARE SEEKING. THE COMMISSIONER SHALL DEVELOP A
20 RECORD OF SERVICES FOR STATE OPERATED SUPPORTIVE PLACEMENT OPTIONS THAT
21 ARE NOT AVAILABLE WITH A PLAN TO ADDRESS THE UNMET NEEDS FOR THE FOLLOW-
22 ING FISCAL YEAR. SUCH COMMISSIONER SHALL SUBMIT THE PLAN TO THE TEMPO-
23 RARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY NO LATER
24 THAN DECEMBER THIRTY-FIRST OF EACH YEAR.
25 S 2. This act shall take effect immediately.

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

LBD09575-01-5