

5060--A

Cal. No. 668

2015-2016 Regular Sessions

I N S E N A T E

April 29, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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:

1 Section 1. Subdivision (a) and the opening paragraph of subdivision  
2 (c) of section 13.05 of the mental hygiene law, subdivision (a) as  
3 amended by chapter 37 of the laws of 2011 and the opening paragraph of  
4 subdivision (c) as amended by section 5 of part N of chapter 56 of the  
5 laws of 2012, are amended to read as follows:  
6 (a) There is hereby established a developmental disabilities advisory  
7 council. The council shall consist of the commissioner, the chairman of  
8 the conference of local mental hygiene directors or his designee, and  
9 [at least] NO LESS THAN thirty-three members [to be appointed by the  
10 governor] APPOINTED AS FOLLOWS: TWENTY-THREE MEMBERS APPOINTED BY THE  
11 GOVERNOR; FIVE MEMBERS APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
12 SENATE; AND FIVE MEMBERS APPOINTED BY THE SPEAKER OF THE ASSEMBLY. ANY  
13 INCREASE IN THE NUMBER OF MEMBERS SHALL BE APPOINTED PROPORTIONALLY BY  
14 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF  
15 THE ASSEMBLY, TO THE EXTENT PRACTICABLE. Members shall be appointed only  
16 if they have demonstrated an active interest in or have obtained profes-  
17 sional knowledge in the care of persons with developmental disabilities  
18 or in the field of developmental disabilities generally. The governor  
19 shall designate one of the appointed members as chair. The council shall  
20 at all times include in its membership representatives of community

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

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1 service board developmental disabilities subcommittees, providers of  
2 services and non-governmental organizations concerned with services for  
3 persons with developmental disabilities. At least one-third of the  
4 membership of the advisory council shall consist of consumer represen-  
5 tatives including persons with developmental disabilities, or their  
6 parents or guardians.

7 The developmental disabilities advisory council shall have no execu-  
8 tive, administrative or appointive duties. The council shall have the  
9 duty to foster public understanding and acceptance of developmental  
10 disabilities. It shall, in cooperation with the commissioner of develop-  
11 mental disabilities, provide recommendations for statewide priorities  
12 and goals for services for individuals with developmental disabilities  
13 [and], INCLUDING, BUT NOT LIMITED TO, THE REGIONAL HOUSING NEEDS AND  
14 PRIORITY OF SUCH NEED BASED ON THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL  
15 DISABILITIES REGISTRATION WAITLIST; EMPLOYMENT OPPORTUNITIES, INCLUDING  
16 ALTERNATIVE WORK SETTINGS; SELF-DIRECTED MODELS OF CARE; THE CENSUS  
17 REDUCTION OF INSTITUTIONAL SERVICE SETTINGS AND REINVESTMENT OF SAVINGS  
18 FROM SUCH REDUCTION INTO COMMUNITY BASED SERVICES; AND ANY OTHER  
19 PROGRAMMATIC OR LEGISLATIVE NEED RELATED TO THE STATE MEETING ITS STATU-  
20 TORY REQUIREMENTS PERTAINING TO THE OLMSTEAD PLAN. THE COUNCIL shall  
21 ALSO advise the commissioner on matters related to development and  
22 implementation of the statewide comprehensive plan as required under  
23 section 5.07 of this chapter. The advisory council shall have the power  
24 to consider any matter relating to the improvement of the state develop-  
25 mental disabilities program and shall advise the commissioner of devel-  
26 opmental disabilities thereon and on any matter relating to the perform-  
27 ance of their duties with relation to individuals with developmental  
28 disabilities and on policies, goals, budget and operation of develop-  
29 mental disabilities services.

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

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

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

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

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