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

5210--A

2015-2016 Regular Sessions

I N S E N A T E

May 7, 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 -- recommitted to the Committee on Mental Health and Developmental Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 15 of chapter 408 of the laws of 1999 amending the mental hygiene law and other laws relating to enacting Kendra's Law, is amended to read as follows:

S 15. (a) Within amounts appropriated therefor, the commissioner of mental health shall provide grants to each county and the city of New York, which shall be used by each such county or city, to provide medication, and other services necessary to prescribe and administer medication to treat mental illness during the pendency of a medical assistance eligibility determination. Such eligibility determination shall be completed in a timely and expeditious manner as required by applicable regulations of the commissioner of health. Counties or the city shall use such grants to provide medications prescribed to treat mental illness for individuals for whom the process of applying for medical assistance benefits has been commenced prior to or within one week of discharge or release and who[: (1)] are discharged from a hospital, as defined in section 1.03 of the mental hygiene law[, or (2) have received services in or from a forensic or similar mental health unit of a

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

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correctional facility or local correctional facility as defined in section two of the correction law].

(b) Such grants to provide medications shall be subject to the commissioner's approval and supervision of an efficient and effective plan submitted by a county or the city of New York. Such plans shall include, but not be limited to, the following: (i) the process by which the county or the city of New York will improve the timely and expeditious filing of medical assistance applications and coordinate the filing of applications for other public benefits for which the population described in subdivision (a) of this section may be eligible; (ii) the process by which medications prescribed to treat mental illness for such individuals will be available at or near the time of release or discharge; (iii) a specific description of the process by which such individuals will be referred to a county or city provider, or a provider which contracts with the county or city, to provide medication at or near the time of release or discharge; and (iv) the process to provide information necessary for the New York state office of mental health to file appropriate medical assistance claims.

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

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

(E) Further, upon application of a county or the city of New York, and within the amounts appropriated therefor, the commissioner of mental health shall be authorized to provide grants to such county or city to be used to assist the local governmental units, as defined in section 41.03 of the mental hygiene law, in the development of plans pursuant to [subdivision] SUBDIVISIONS (b) AND (D) of this section, or to be used at local correctional facilities to improve the coordination between the individuals defined in [subdivision] SUBDIVISIONS (a) AND (C) of this

section and the appropriate county representative or other [individual] INDIVIDUALS OR PROVIDERS who will provide the [psychiatric medications] MENTAL ILLNESS AND CHEMICAL ABUSE SERVICES available under this program as determined in the plans approved in subdivision [(b)] (D) of this section, and to assist such individuals in applying for medical assistance and other public benefits. The commissioner of mental health is hereby authorized to promulgate and adopt rules and regulations necessary to implement this section.

S 2. This act shall take effect April 1, 2017; provided, however, that the amendments to section 15 of chapter 408 of the laws of 1999 made by section one of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.