

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:

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

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

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

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

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

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

49 (E) Further, upon application of a county or the city of New York, and
50 within the amounts appropriated therefor, the commissioner of mental
51 health shall be authorized to provide grants to such county or city to
52 be used to assist the local governmental units, as defined in section
53 41.03 of the mental hygiene law, in the development of plans pursuant to
54 [subdivision] SUBDIVISIONS (b) AND (D) of this section, or to be used at
55 local correctional facilities to improve the coordination between the
56 individuals defined in [subdivision] SUBDIVISIONS (a) AND (C) of this

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

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