

STATE OF NEW YORK

5991--A

2017-2018 Regular Sessions

IN SENATE

May 9, 2017

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Elections -- recommitted to the Committee on Elections 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 the election law, the executive law, the state finance law, the transportation law, the public authorities law, the public health law, the public lands law, the education law, the retirement and social security law, the social services law, the cooperative corporations law, the elder law, the correction law, the criminal procedure law, the family court act, the facilities development corporation act, the medical care facilities agency act and the administrative code of the city of New York, in relation to making technical corrections to references to the office 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. The opening paragraph of section 5-211 of the election law,
2 as amended by chapter 265 of the laws of 2013, is amended to read as
3 follows:
4 Each agency designated as a participating agency under the provisions
5 of this section shall implement and administer a program of distribution
6 of voter registration forms pursuant to the provisions of this section.
7 The following offices which provide public assistance and/or provide
8 state funded programs primarily engaged in providing services to persons
9 with disabilities are hereby designated as voter registration agencies:
10 designated as the state agencies which provide public assistance are the
11 office of children and family services, the office of temporary and
12 disability assistance and the department of health. Also designated as
13 public assistance agencies are all agencies of local government that
14 provide such assistance. Designated as state agencies that provide

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

LBD09546-05-8

1 programs primarily engaged in providing services to people with disabil-
2 ities are the department of labor, office for the aging, division of
3 veterans' affairs, office of mental health, office of vocational and
4 educational services for individuals with disabilities, commission on
5 quality of care for the mentally disabled, office [~~of mental retardation~~
6 ~~and~~] for people with developmental disabilities, commission for the
7 blind, office of alcoholism and substance abuse services, the office of
8 the advocate for the disabled and all offices which administer programs
9 established or funded by such agencies. Additional state agencies desig-
10 nated as voter registration offices are the department of state and the
11 division of workers' compensation. Such agencies shall be required to
12 offer voter registration forms to persons upon initial application for
13 services, renewal or recertification for services and change of address
14 relating to such services. Such agencies shall also be responsible for
15 providing assistance to applicants in completing voter registration
16 forms, receiving and transmitting the completed application form from
17 all applicants who wish to have such form transmitted to the appropriate
18 board of elections. The state board of elections shall, together with
19 representatives of the department of defense, develop and implement
20 procedures for including recruitment offices of the armed forces of the
21 United States as voter registration offices when such offices are so
22 designated by federal law. The state board shall also make request of
23 the United States Immigration and Naturalization Service to include
24 applications for registration by mail with any materials which are given
25 to new citizens. All institutions of the state university of New York
26 and the city university of New York, shall, at the beginning of the
27 school year, and again in January of a year in which the president of
28 the United States is to be elected, provide an application for registra-
29 tion to each student in each such institution. The state board of
30 elections may, by regulation, grant a waiver from any or all of the
31 requirements of this section to any office or program of an agency, if
32 it determines that it is not feasible for such office or program to
33 administer such requirement.

34 § 2. Subdivision 1 of section 548-e of the executive law, as added by
35 chapter 657 of the laws of 1990, is amended to read as follows:

36 1. Establishment. A neighborhood based initiatives oversight committee
37 shall be established to oversee the implementation of the provisions of
38 this article and shall consist of representatives of the following agen-
39 cies or their designees, with the commissioner of the department or his
40 or her designee serving as chairperson: the state advocate for the disa-
41 bled; the director of the office for the aging; the director of the
42 division of alcoholism and alcohol abuse; the executive director of the
43 council on children and families; the chancellor of the city university
44 of New York; the executive director of the developmental disabilities
45 action planning council; the director of the budget; the commissioner of
46 economic development; the commissioner of education; the commissioner of
47 health; the commissioner of housing and community renewal; the commis-
48 sioner of labor; the commissioner of mental health; the commissioner of
49 [~~mental retardation and~~] the office for people with developmental disa-
50 bilities; the commissioner of parks, recreation and historic preserva-
51 tion; the chancellor of the state university of New York; the director
52 of the division of substance abuse services; the director of the divi-
53 sion for youth; the director of the division for women; and the depart-
54 ment of audit and control.

1 § 3. Subdivisions 1 and 2 of section 702 of the executive law, as
2 added by chapter 551 of the laws of 2002, are amended to read as
3 follows:

4 1. The most integrated setting coordinating council is hereby created
5 within the executive department to have and exercise the functions,
6 powers and duties provided by the provisions of this article and any
7 other provision of law. The council shall be comprised of the commis-
8 sioners of: the department of health, the office [~~of mental retardation~~
9 ~~and~~] for people with developmental disabilities, the office of mental
10 health, the department of transportation, the office of children and
11 family services, the office of alcohol and substance abuse services, the
12 department of education, and the division of housing and community
13 renewal. In addition, the council shall consist of the director of the
14 office for the aging, a representative from the office of the advocate
15 for persons with disabilities, a representative from the commission on
16 quality of care for the mentally disabled, three consumers of services
17 for individuals with disabilities, one to be appointed by the governor,
18 one to be appointed by the temporary president of the senate, and one to
19 be appointed by the speaker of the assembly, three individuals with
20 expertise in the field of community services for people of all ages with
21 disabilities, one to be appointed by the governor, one to be appointed
22 by the temporary president of the senate, and one to be appointed by the
23 speaker of the assembly, and three individuals with expertise in or
24 recipients of services available to senior citizens with disabilities,
25 one to be appointed by the governor, one to be appointed by the tempo-
26 rary president of the senate, and one to be appointed by the speaker of
27 the assembly.

28 2. The commissioners of the department of health, the office of mental
29 health, the office [~~of mental retardation and~~] for people with develop-
30 mental disabilities, and the director of the office for the aging shall
31 rotate as chairperson of the council on a quarterly basis.

32 § 4. Section 179-aa of the state finance law, as amended by chapter
33 292 of the laws of 2007, is amended to read as follows:

34 § 179-aa. Advisory committee. There is hereby established a not-for-
35 profit contracting advisory committee. The advisory committee shall
36 consist of sixteen members which shall include eight appointed members,
37 four to be appointed by the governor who shall be representatives of
38 not-for-profit organizations providing services in the state, and two
39 each to be appointed by the governor upon recommendation of the tempo-
40 rary president of the senate and speaker of the assembly, and eight ex
41 officio members of the committee, one each designated from the division
42 of the budget, the department of law, the office of the state comp-
43 troller, and the education department. The governor shall also designate
44 four members from among the following agencies: the department of state,
45 the office of children and family services, the office of temporary and
46 disability assistance, the department of health, the office of mental
47 hygiene, the office [~~of mental retardation and~~] for people with develop-
48 mental disabilities, and the department of labor. The governor shall
49 designate an appointee to serve as chair of the committee. The advisory
50 committee shall meet at least quarterly and upon its own initiative may:
51 comment and report on the implementation and operation of the not-for-
52 profit short-term revolving loan fund; advise the governor, comptroller
53 and state agencies on the implementation and operation of this article;
54 evaluate the benefits of requiring all state agencies to use standard
55 contract language and the extent to which standard language may be
56 effectively included in contracts with not-for-profit organizations;

1 review annually the report of the office of the state comptroller made
2 pursuant to section one hundred seventy-nine-bb of this article; and
3 propose any legislation they deem necessary to improve the fund and this
4 article. The committee shall report to the governor and the legislature
5 with recommendations on improving the contracting procedures with not-
6 for-profit organizations which receive state funds through the interme-
7 diary of municipalities. Such reports shall be due annually not later
8 than December first.

9 § 5. Subdivision 1 of section 73-d of the transportation law, as
10 amended by chapter 562 of the laws of 1987, is amended to read as
11 follows:

12 1. There is hereby created a committee to be known as the "interagency
13 coordinating committee on rural public transportation", to be comprised
14 of nineteen members. The commissioner or his or her designee shall serve
15 as chairperson. Twelve of such members shall be the following or his or
16 her duly designated representative: the director of the office for the
17 aging; the commissioner of education; the commissioner of labor; the
18 commissioner of health; the commissioner of the office of mental health;
19 the commissioner of the office [~~of mental retardation and~~] for people
20 with developmental disabilities; the commissioner of social services;
21 state advocate for the disabled; secretary of state; commissioner of
22 agriculture and markets; the director of the office of rural affairs and
23 the director of the division for youth. Six additional members, all of
24 whom shall be transportation providers or consumers representing rural
25 counties shall be appointed to serve a term of three years as follows:
26 two by the president pro-tempore of the senate, two by the speaker of
27 the assembly, one by the minority leader of the senate, and one by the
28 minority leader of the assembly. Efforts shall be made to provide a
29 broad representation of consumers and providers of transportation
30 services in rural counties when making such appointments. Members of
31 the committee shall receive no salary.

32 The commissioner shall cause the department to provide staff assist-
33 ance necessary for the efficient and effective operation of the commit-
34 tee.

35 § 6. The undesignated paragraph of paragraph (b) of subdivision 2 of
36 section 1676 of the public authorities law, as added by chapter 281 of
37 the laws of 1988, is amended to read as follows:

38 The Devereux Foundation for the financing, construction and equipping
39 of facilities subject to the approval of the commissioner of education,
40 the commissioner of social services and the commissioner of the office
41 [~~of mental retardation and~~] for people with developmental disabilities
42 for a residential and educational program for children with handicapping
43 conditions, as such term is defined in subdivision one of section
44 forty-four hundred one of the education law, including, but not limited
45 to, those students who were publicly placed at the Rhinebeck Country
46 School during the nineteen hundred eighty-six--eighty-seven school year
47 and in furtherance of the state's overall goal of reducing the number of
48 children with handicapping conditions requiring out-of-state placements:
49 nothing in the foregoing shall be deemed to authorize The Devereux Foun-
50 dation to apply any funds or credit obtained pursuant to this section
51 toward the financing, construction or equipping of facilities on any
52 other property or properties it presently owns or controls or owns or
53 controls in the future.

54 § 7. The undesignated paragraph of paragraph (b) of subdivision 2 of
55 section 1676 of the public authorities law, as amended by chapter 299 of
56 the laws of 2017, is amended to read as follows:

1 Not-for-profit members of InterAgency Council of [~~Mental Retardation~~
2 ~~and~~] Developmental Disabilities Agencies, Inc., for the acquisition,
3 financing, refinancing, construction, reconstruction, renovation, devel-
4 opment, improvement, expansion and equipping of certain educational,
5 administrative, clinical, day program and residential facilities to be
6 located in the state of New York.

7 § 8. The undesignated paragraph of subdivision 1 of section 1680 of
8 the public authorities law, as added by chapter 281 of the laws of 1988,
9 is amended to read as follows:

10 The Devereux Foundation for the financing, construction and equipping
11 of facilities subject to the approval of the commissioner of education,
12 the commissioner of social services and the commissioner of the office
13 [~~of mental retardation and~~] for people with developmental disabilities
14 for a residential and educational program for children with handicapping
15 conditions, as such term is defined in subdivision one of section
16 forty-four hundred one of the education law, including, but not limited
17 to, those students who were publicly placed at the Rhinebeck Country
18 School during the nineteen hundred eighty-six--eighty-seven school year
19 and in the furtherance of the state's overall goal of reducing the
20 number of children with handicapping conditions requiring out-of-state
21 placements: nothing in the foregoing shall be deemed to authorize The
22 Devereux Foundation to apply any funds or credits obtained pursuant to
23 this section toward the financing, construction or equipping of facili-
24 ties on any other property or properties it presently owns or controls
25 or owns or controls in the future.

26 § 9. The undesignated paragraph of subdivision 1 of section 1680 of
27 the public authorities law, as added by chapter 343 of the laws of 1992,
28 is amended to read as follows:

29 Ferncliff Manor as a not-for-profit residential school serving chil-
30 dren who are severely mentally disabled and medically involved, who will
31 also on a not-for-profit basis operate an intermediate care facility,
32 for the financing, construction, reconstruction, improvement, renovation
33 and development of five twelve bed dormitories in Westchester County for
34 such children, subject to the approval of the commissioners of educa-
35 tion, social services, and [~~mental retardation and~~] the office for
36 people with developmental disabilities, and subject further to the
37 approval of the director of the budget as to project need and project
38 cost. Except to the extent otherwise prohibited by law, Ferncliff Manor
39 shall have full power and authority to assign and pledge to the authori-
40 ty, together with any pledge of its own assets and other income, any and
41 all public funds to be apportioned or otherwise made payable by the
42 state, a political subdivision, as defined in section one hundred of the
43 general municipal law, or any social services district in the state in
44 an amount sufficient to make all payments required to be made by Fern-
45 cliff Manor pursuant to any lease, sublease or other agreement entered
46 into between Ferncliff Manor and the authority. All state and local
47 officers are hereby authorized and required to pay all such funds so
48 assigned and pledged to the authority or upon the direction of the
49 authority, to any trustee of any authority bond or note issued pursuant
50 to a certificate filed with any such state or local officer by the
51 authority pursuant to the provisions of this section. No agreement or
52 lease by Ferncliff Manor shall be effective unless and until it is
53 approved by or on behalf of the commissioners of education, social
54 services, and [~~mental retardation and~~] the office for people with devel-
55 opmental disabilities, and subject further to the approval of the direc-
56 tor of the budget as to project need and project cost.

1 § 10. The undesignated paragraph of subdivision 1 of section 1680 of
2 the public authorities law, as amended by chapter 780 of the laws of
3 1992, is amended to read as follows:

4 The Leake and Watts Children's Home (Incorporated), Yonkers, New York
5 for the financing, construction, reconstruction, improvement, renovation
6 or otherwise for (1) a new school building for the junior high and high
7 school vocational programs including a field house; (2) a new children's
8 cottage and renovation and reconstruction of eight existing children's
9 cottages to provide more efficient heating and cooling systems, more
10 secure supervision and to increase the number of beds; (3) renovation
11 and reconstruction of the main building to provide new electrical and
12 plumbing systems and internal rehabilitation; and (4) renovation and
13 reconstruction of the old school building for multiple use; subject to
14 the approval of the commissioners of education, social services and
15 ~~mental retardation and~~ the office for people with developmental disa-
16 bilities, and subject further to the approval of the director of the
17 budget including as to project need and project cost. Notwithstanding
18 any other provision of law, The Leake and Watts Children's Home (Incor-
19 porated) shall have full power and authority to assign and pledge to the
20 authority, together with any other assets so pledged, any and all prop-
21 erty rights to, and property interests in, any and all public funds to
22 be apportioned or otherwise made payable by the state, a political
23 subdivision, as defined in section one hundred of the general municipal
24 law, or any social services district in the state in an amount suffi-
25 cient to make all payments required to be made by The Leake and Watts
26 Children's Home (Incorporated) pursuant to any lease, sublease or other
27 agreement entered into between The Leake and Watts Children's Home
28 (Incorporated) and the authority. All state and local officers are here-
29 by authorized and required to pay all such funds so assigned and pledged
30 to the authority or upon the direction of the authority, to any trustee
31 of any authority bond or note issued pursuant to a certificate filed
32 with any such state or local officer by the authority pursuant to the
33 provisions of this section. No lease, sublease or other agreement by The
34 Leake and Watts Children's Home (Incorporated) shall be effective unless
35 and until it is approved by or on behalf of the commissioners of educa-
36 tion, social services and ~~mental retardation and~~ the office for people
37 with developmental disabilities and subject further to the approval of
38 the director of the budget including as to project need and project
39 cost.

40 § 11. The undesignated paragraph of subdivision 1 of section 1680 of
41 the public authorities law, as amended by section 6 of chapter 299 of
42 the laws of 2017, is amended to read as follows:

43 Not-for-profit members of InterAgency Council of ~~[Mental Retardation~~
44 ~~and]~~ Developmental Disabilities Agencies, Inc., for the acquisition,
45 financing, refinancing, construction, reconstruction, renovation, devel-
46 opment, improvement, expansion and equipping of certain educational,
47 administrative, clinical, day program and residential facilities to be
48 located in the state of New York. Notwithstanding any other provision of
49 law, not-for-profit members of the InterAgency Council of ~~[Mental Retar-~~
50 ~~dation]~~ and Developmental Disabilities Agencies, Inc. shall have full
51 power and authority to assign and pledge to the dormitory authority, any
52 and all public funds to be apportioned or otherwise made payable by the
53 United States, any agency thereof, the state, any agency thereof, a
54 political subdivision, as defined in section one hundred of the general
55 municipal law, any social services district in the state or any other
56 governmental entity in an amount sufficient to make all payments

1 required to be made by such members pursuant to any lease, sublease or
2 other agreement entered into between such members and the dormitory
3 authority. All state and local officers are hereby authorized and
4 required to pay all such funds so assigned and pledged to the dormitory
5 authority or, upon the direction of the dormitory authority, to any
6 trustee of any dormitory authority bond or note issued, pursuant to a
7 certificate filed with any such state or local officer by the dormitory
8 authority pursuant to the provisions of this section.

9 § 12. Subdivision 3 of section 2879-a of the public authorities law,
10 as added by chapter 506 of the laws of 2009, is amended to read as
11 follows:

12 3. This section shall not apply to: (a) contracts entered into for the
13 issuance of commercial paper or bonded indebtedness, other than
14 contracts with the state providing for the payment of debt service
15 subject to an appropriation; (b) contracts entered into by an entity
16 established under article ten-c of the public authorities law that are
17 for: (i) projects approved by the department of health or the public
18 health council in accordance with articles twenty-eight, thirty-six or
19 forty of the public health law or article seven of the social services
20 law; (ii) projects approved by the office of mental health, the office
21 [~~of mental retardation and~~] for people with developmental disabilities,
22 or the office of alcoholism and substance abuse services in accordance
23 with articles sixteen, thirty-one, or thirty-two of the mental hygiene
24 law; (iii) services, affiliations or joint ventures for the provision or
25 administration of health care services or scientific research; (iv)
26 payment for direct health care services or goods used in the provision
27 of health care services; or (v) participation in group purchasing
28 arrangements; (c) contracts entered into for the procurement of goods,
29 services or both goods and services made to meet emergencies arising
30 from unforeseen causes or to effect repairs to critical infrastructure
31 that are necessary to avoid a delay in the delivery of critical services
32 that could compromise the public welfare; (d) contracts of purchase or
33 sale of energy, electricity or ancillary services made by an authority
34 on a recognized market for goods, services, or commodities in question
35 in accordance with standard terms and conditions of purchase or sale at
36 a market price; (e) contracts for the purchase, sale or delivery of
37 power or energy, fuel, costs and services ancillary thereto, or finan-
38 cial products related thereto, with a term of less than five years; and
39 (f) contracts for the sale or delivery of power or energy and costs and
40 services ancillary thereto for economic development purposes pursuant to
41 title one of article five of this chapter or article six of the economic
42 development law, provided, however, that the authority shall file copies
43 of any such contract with the comptroller within sixty days after the
44 execution of such contract.

45 § 13. Subdivisions 2 and 3 of section 32 of the public health law,
46 subdivision 2 as added by chapter 442 of the laws of 2006 and subdivi-
47 sion 3 as amended by chapter 109 of the laws of 2007, are amended to
48 read as follows:

49 2. to conduct and supervise activities to prevent, detect and investi-
50 gate medical assistance program fraud and abuse amongst the following:
51 the department; the offices of mental health, [~~mental retardation and~~
52 ~~developmental disabilities,~~] alcoholism and substance abuse services,
53 temporary disability assistance, and children and family services and
54 the office for people with developmental disabilities;

55 3. to coordinate, to the greatest extent possible, activities to
56 prevent, detect and investigate medical assistance program fraud and

1 abuse amongst the following: the department; the offices of mental
2 health, [~~mental retardation and developmental disabilities,~~] alcoholism
3 and substance abuse services, temporary disability assistance, and chil-
4 dren and family services and the office for people with developmental
5 disabilities; the commission on quality of care and advocacy for persons
6 with disabilities; the department of education; the fiscal agent
7 employed to operate the medical assistance information and payment
8 system; local governments and entities; and to work in a coordinated and
9 cooperative manner with, to the greatest extent possible, the deputy
10 attorney general for Medicaid fraud control; the welfare inspector
11 general, federal prosecutors, district attorneys within the state, the
12 special investigative unit maintained by each health insurer operating
13 within the state, and the state comptroller;

14 § 14. Section 34 of the public health law, as added by chapter 442 of
15 the laws of 2006, is amended to read as follows:

16 § 34. Transfer of employees. Upon the transfer of the medical assist-
17 ance program audit and fraud and abuse prevention functions from the
18 department and the offices of mental health, [~~mental retardation and~~
19 ~~developmental disabilities,~~] alcoholism and substance abuse services,
20 temporary disability assistance, and children and family services and
21 the office for people with developmental disabilities to the office
22 within the department pursuant to section thirty-one of this title,
23 provision shall be made for the transfer of necessary officers and
24 employees who are substantially engaged in the performance of the func-
25 tion to be transferred, and any documents and records necessary and
26 related to the transfer of such functions. The heads of the departments
27 or agencies from which such function is to be transferred and the
28 inspector shall confer to determine the officers and employees who are
29 substantially engaged in the medical assistance program audit and fraud
30 and abuse prevention function to be transferred. In accordance with
31 subdivision two of section seventy of the civil service law, officers
32 and employees so transferred shall be transferred without further exam-
33 ination or qualification to the same or similar titles and shall remain
34 in the same collective bargaining unit and shall retain their respective
35 civil service classification, status and rights pursuant to their
36 collective bargaining unit and collective bargaining agreement.
37 Notwithstanding the office's regional operations, all office employees
38 shall be co-located, to the greatest extent practicable. The inspector
39 shall have sole responsibility for establishing methods of adminis-
40 tration for the office.

41 § 15. Subdivision 2 of section 2004-a of the public health law, as
42 added by section 24 of part B of chapter 58 of the laws of 2007, is
43 amended to read as follows:

44 2. The council shall be comprised of twenty-one members as follows:
45 the commissioner of health, the director of the state office for the
46 aging, the commissioner of children and family services, the commis-
47 sioner of education, the commissioner of mental health and the commis-
48 sioner of [~~mental retardation and~~] the office for people with developmental
49 disabilities who shall serve ex officio and who may designate represen-
50 tatives to act on their behalf. The governor shall appoint seven other
51 members with expertise in Alzheimer's disease, other dementia or elder
52 care issues, at least two of whom shall represent not-for-profit corpo-
53 rations whose primary purpose is to provide access to experts in the
54 care of persons with Alzheimer's disease and related dementia, that are
55 part of a statewide network of not-for-profit corporations established
56 specifically to respond at the local and regional level to the needs of

1 this population and that provide family intervention services related to
2 Alzheimer's disease in order to postpone or prevent nursing home place-
3 ments of individuals with Alzheimer's disease or other dementia. Eight
4 members shall be appointed by the governor on the recommendation of the
5 legislative leaders as follows: the temporary president of the senate
6 and the speaker of the assembly shall each recommend three members to
7 the council. One of the three members recommended by the temporary pres-
8 ident and one of the three members recommended by the speaker shall be a
9 clinical or research expert in the field of dementia and one of the
10 three members appointed by each shall be a family member or caregiver of
11 a person suffering from Alzheimer's disease or other dementia. One
12 member shall be appointed on the recommendation of the minority leader
13 of the senate and one member shall be appointed on the recommendation of
14 the minority leader of the assembly. The commissioner of health and the
15 director of the office for the aging shall serve, ex officio, as
16 co-chairs of the council. Administrative duties shall be the responsi-
17 bility of the department. The members of the council shall receive no
18 compensation for their services.

19 § 16. Subdivision 17 of section 2541 of the public health law, as
20 added by chapter 428 of the laws of 1992, is amended to read as follows:

21 17. "State early intervention service agencies" means the departments
22 of health, education and social services and the offices of mental
23 health [~~mental retardation and developmental disabilities~~] and [~~office~~
24 ~~of~~] alcoholism and substance abuse services and the office for people
25 with developmental disabilities.

26 § 17. Subdivision 4 of section 2559 of the public health law, as added
27 by section 8 of part B-3 of chapter 62 of the laws of 2003, is amended
28 to read as follows:

29 4. Notwithstanding any other provision of law, the commissioner,
30 pursuant to a memorandum of understanding with the commissioner of the
31 office [~~of mental retardation and~~] for people with developmental disa-
32 bilities, shall develop and submit a medicaid home and community based
33 services waiver, pursuant to section 1915c of the social security act,
34 for the purpose of creating a waiver program to provide and finance
35 services for children who qualify for the early intervention program. In
36 further establishing eligibility criteria under the waiver program, the
37 commissioner, in conjunction with the commissioner of the office [~~of~~
38 ~~mental retardation and~~] for people with developmental disabilities,
39 shall establish health, developmental and psycho-social criteria which
40 shall permit the broadest eligibility based on criteria for the early
41 intervention program and federal standards for participation in a waiver
42 program. The waiver application shall be submitted pursuant to section
43 1915c of the social security act no later than January first, two thou-
44 sand four.

45 § 18. Section 2740 of the public health law, as added by chapter 196
46 of the laws of 1994, is amended to read as follows:

47 § 2740. Traumatic brain injury program. The department shall have the
48 central responsibility for administering the provisions of this article
49 and otherwise coordinating the state's policies with respect to traumati-
50 c brain injury, in consultation with the office [~~of mental retardation~~
51 ~~and~~] for people with developmental disabilities, the office of mental
52 health, the department of education, the office of alcoholism and
53 substance abuse services, the department of social services, the office
54 of the advocate for the disabled and the commission on quality of care
55 for the mentally disabled.

1 § 19. Subdivision 1 of section 2744 of the public health law, as added
2 by chapter 196 of the laws of 1994, is amended to read as follows:

3 1. The traumatic brain injury services coordinating council is hereby
4 established and shall consist of the following persons or their desig-
5 nees: the commissioner, the commissioner of [~~mental retardation and~~] the
6 office for people with developmental disabilities, the office of mental
7 health, the commissioner of education, the commissioner of alcoholism
8 and substance abuse services, the commissioner of social services, the
9 state advocate for the disabled and the commission on quality of care
10 for the mentally disabled. In addition, the council shall consist of the
11 following persons: five persons appointed by the governor, three of whom
12 shall be persons with traumatic brain injury and two of whom shall be
13 representative of the public and have a demonstrated expertise and
14 interest in traumatic brain injury; two persons appointed by the tempo-
15 rary president of the senate, one of whom shall be a person with trau-
16 matic brain injury and one of whom shall be representative of the public
17 and have a demonstrated expertise and interest in traumatic brain inju-
18 ry; two persons appointed by the speaker of the assembly, one of whom
19 shall be a person with traumatic brain injury and one of whom shall be
20 representative of the public and have a demonstrated expertise and
21 interest in traumatic brain injury, one person appointed by the minority
22 leader of the senate who shall be a person with traumatic brain injury
23 or be representative of the public and have a demonstrated expertise and
24 interest in traumatic brain injury; and one person appointed by the
25 minority leader of the assembly who shall be a person with traumatic
26 brain injury or be representative of the public and have a demonstrated
27 expertise and interest in traumatic brain injury. Of the five persons
28 appointed by the governor, three shall serve for a term of one year, one
29 shall serve for a term of two years and one shall serve for a term of
30 three years. Of the two persons appointed by the temporary president of
31 the senate, one shall serve for a term of two years and one shall serve
32 for a term of three years. Of the two persons appointed by the speaker
33 of the assembly, one shall serve for a term of two years and one shall
34 serve for a term of three years. The person appointed by the minority
35 leader of the senate and the person appointed by the minority leader of
36 the assembly shall serve for a term of one year. Subsequent appointments
37 for vacancies shall be for a term of three years and shall be filled in
38 the same manner as the original appointment.

39 § 20. Subparagraph (ii) of paragraph (e) of subdivision 2-a of section
40 2807 of the public health law, as amended by section 15 of part C of
41 chapter 58 of the laws of 2009, is amended to read as follows:

42 (ii) Notwithstanding this subdivision and any other contrary provision
43 of law, the commissioner may incorporate within the payment methodology
44 described in subparagraph (i) of this paragraph payment for services
45 provided by facilities pursuant to licensure under the mental hygiene
46 law, provided, however, that such APG payment methodology may be phased
47 into effect in accordance with a schedule or schedules as jointly deter-
48 mined by the commissioner, the commissioner of mental health, the
49 commissioner of alcoholism and substance abuse services, and the commis-
50 sioner of [~~mental retardation and~~] the office for people with develop-
51 mental disabilities.

52 § 21. Paragraph (c) of subdivision 1 of section 2807-d of the public
53 health law, as added by section 193 of part A of chapter 389 of the laws
54 of 1997, is amended to read as follows:

55 (c) On and after December first, nineteen hundred ninety-seven, the
56 term "general hospital", as used in this section, includes specialty

1 hospitals for persons who are developmentally disabled, licensed by the
2 office [~~of mental retardation and~~] for people with developmental disa-
3 bilities and which are also issued an operating certificate pursuant to
4 section twenty-eight hundred five of this article.

5 § 22. The opening paragraph of section 2978 of the public health law,
6 as amended by chapter 8 of the laws of 2010, is amended to read as
7 follows:

8 The commissioners of mental health and [~~mental retardation and~~] the
9 office for people with developmental disabilities shall establish such
10 regulations as may be necessary for implementation of this article with
11 respect to those persons in mental hygiene facilities.

12 § 23. The opening paragraph of subdivision 1 of section 2979 of the
13 public health law, as amended by chapter 8 of the laws of 2010, is
14 amended to read as follows:

15 The commissioners of mental health and [~~mental retardation and~~] the
16 office for people with developmental disabilities shall prepare a state-
17 ment summarizing the rights, duties, and requirements of this article
18 and shall require that a copy of such statement:

19 § 24. Subdivision 10 of section 2980 of the public health law, as
20 amended by chapter 23 of the laws of 1994, is amended to read as
21 follows:

22 10. "Mental hygiene facility" means a residential facility, excluding
23 family care homes, operated or licensed by the office of mental health
24 or the office [~~of mental retardation and~~] for people with developmental
25 disabilities.

26 § 25. Subdivision 2 of section 2991 of the public health law, as added
27 by chapter 752 of the laws of 1990, is amended to read as follows:

28 2. Such procedures shall be established in accordance with regulations
29 issued by the commissioners of health, mental health, and [~~mental retar-~~
30 ~~dation and~~] the office for people with developmental disabilities for
31 facilities subject to their respective regulatory authorities.

32 § 26. Section 2993 of the public health law, as added by chapter 752
33 of the laws of 1990, is amended to read as follows:

34 § 2993. Regulations. The commissioner of health, in consultation with
35 the commissioners of the office of mental health and the office [~~of~~
36 ~~mental retardation and~~] for people with developmental disabilities,
37 shall establish such regulations as may be necessary for the implementa-
38 tion of this article, subject to the provisions of subdivision two of
39 section two thousand nine hundred ninety-one of this article.

40 § 27. Subdivision 20 of section 2994-a of the public health law, as
41 added by chapter 8 of the laws of 2010, is amended to read as follows:

42 20. "Mental hygiene facility" means a facility operated or licensed by
43 the office of mental health or the office [~~of mental retardation and~~]
44 for people with developmental disabilities as defined in subdivision six
45 of section 1.03 of the mental hygiene law.

46 § 28. Paragraph (c) of subdivision 3 of section 2994-b of the public
47 health law, as added by chapter 8 of the laws of 2010, is amended to
48 read as follows:

49 (c) If a health care decision for a patient cannot be made under
50 [~~paragraphs~~] paragraph (a) or (b) of this subdivision, but consent for
51 the decision may be provided pursuant to the mental hygiene law or regu-
52 lations of the office of mental health or the office [~~of mental retarda-~~
53 ~~tion and~~] for people with developmental disabilities, then the decision
54 shall be governed by such statute or regulations and not by this arti-
55 cle.

1 § 29. Subdivision 2 of section 2994-t of the public health law, as
2 added by chapter 8 of the laws of 2010, is amended to read as follows:

3 2. The commissioner, in consultation with the commissioners of the
4 office of mental health and the office [~~of mental retardation and~~] for
5 people with developmental disabilities, shall promulgate regulations
6 identifying the credentials of health care professionals qualified to
7 provide an independent determination, pursuant to subdivision three of
8 section twenty-nine hundred ninety-four-c of this article, that a
9 patient lacks decision-making capacity because of mental illness or
10 developmental disability.

11 § 30. Subdivision 12 of section 2994-aa of the public health law, as
12 added by chapter 8 of the laws of 2010, is amended to read as follows:

13 12. "Mental hygiene facility" means a residential facility operated or
14 licensed by the office of mental health or the office [~~of mental retar-~~
15 ~~dation and~~] for people with developmental disabilities.

16 § 31. Subdivision 4 of section 3 of the public lands law, as amended
17 by chapter 785 of the laws of 1982, is amended to read as follows:

18 4. Notwithstanding any other provision of this chapter or other stat-
19 ute, the commissioner of general services, upon the application of any
20 state department, or a division, bureau or agency thereof, or upon the
21 application of any state agency, may transfer to such state department,
22 division, bureau, or agency, or state agency, the jurisdiction over any
23 lands, including lands under water, abandoned canal lands and salt
24 springs reservation land, upon such terms and conditions as the commis-
25 sioner may deem just and proper and upon the consent of the department,
26 or a division, bureau or agency thereof, or any state agency, already
27 having jurisdiction over such lands and notwithstanding any other
28 provision of this chapter or other statute, authority to give such
29 consent is hereby conferred upon the head of any such state department,
30 or a division, bureau or agency thereof, or any state agency; provided,
31 however, that if the commissioner of general services determines that
32 any such land under the jurisdiction of any state department, or a divi-
33 sion, bureau or agency thereof, or any state agency other than a public
34 authority or public benefit corporation is under utilized or is not
35 being utilized in a manner consistent with the best interests of the
36 state, such commissioner may on his own initiative, and without the
37 application or consent referred to above but subject to the procedure
38 and review provided in section two-a of this article, transfer the
39 jurisdiction over such land to any other state department, or a divi-
40 sion, bureau or agency thereof, or any other state agency other than a
41 public authority or public benefit corporation. Should such land be
42 under the jurisdiction of the office of mental health or the office [~~of~~
43 ~~mental retardation and~~] for people with developmental disabilities upon
44 which a community residential facility for the disabled as defined in
45 section 41.34 of the mental hygiene law exists, the commissioner of
46 general services shall, prior to transferring the jurisdiction over such
47 land to any other state department, or a division, bureau or agency
48 thereof, or any other state agency other than a public authority or
49 public benefit corporation offer such land for sale at public auction
50 pursuant to section thirty-three of this chapter; provided, however,
51 that the provisions of section four hundred six of the eminent domain
52 procedure law shall apply to such property.

53 § 32. Subdivisions 3 and 4 of section 30-a of the public lands law, as
54 added by chapter 785 of the laws of 1982, are amended to read as
55 follows:

1 3. Upon the filing of a declaration of abandonment by the commissioner
2 of the office of mental health or by the commissioner of the office [~~of~~
3 ~~mental retardation and~~] for people with developmental disabilities of
4 state-owned lands upon which a community residential facility for the
5 disabled as defined in section 41.34 of the mental hygiene law exists,
6 and with an approval thereof by the commissioner of general services,
7 such lands shall become unappropriated state lands; and prior to being
8 transferred to the jurisdiction of another state agency shall be offered
9 for sale at public auction pursuant to section thirty-three of this
10 article; provided, however, that the provisions of section four hundred
11 six of the eminent domain procedure law shall apply to such property.

12 4. Should state-owned real property under the jurisdiction of the
13 office of mental health or the office [~~of mental retardation and~~] for
14 people with developmental disabilities and upon which a community resi-
15 dential facility for the disabled as defined in section 41.34 of the
16 mental hygiene law exists, be declared abandoned by the commissioner of
17 general services pursuant to subdivision two of this section, such real
18 property shall become unappropriated state lands; and prior to being
19 transferred to the jurisdiction of another state agency, shall be
20 offered for sale at public auction pursuant to section thirty-three of
21 this article; provided, however, that the provisions of section four
22 hundred six of the eminent domain procedure law shall apply to such
23 property.

24 § 33. Subdivision 23 of section 305 of the education law, as added by
25 chapter 515 of the laws of 1992, is amended to read as follows:

26 23. The commissioner shall have primary responsibility for the devel-
27 opment and implementation of integrated employment opportunities includ-
28 ing short-term and intensive supported employment services and, as
29 appropriate, long-term extended support services and shall coordinate
30 with the commissioner of social services, the commissioner of the office
31 of mental health and the commissioner of the office [~~of mental retarda-~~
32 ~~tion and~~] for people with developmental disabilities under an integrated
33 employment implementation plan, pursuant to article twenty-one of this
34 chapter.

35 § 34. Subparagraph (i) of paragraph (j) of subdivision 1 of section
36 414 of the education law, as added by chapter 513 of the laws of 2005,
37 is amended to read as follows:

38 (i) For the purposes of this subdivision, the term "licensed school-
39 based health, dental or mental health clinic" means a clinic that is
40 located in a school facility of a school district or board of cooper-
41 ative educational services, is operated by an entity other than the
42 school district or board of cooperative educational services and will
43 provide health, dental or mental health services during school hours
44 and/or non-school hours to school-age and preschool children, and that
45 is: (1) a health clinic approved under the provisions of chapter one
46 hundred ninety-eight of the laws of nineteen hundred seventy-eight; or
47 (2) another school-based health or dental clinic licensed by the depart-
48 ment of health pursuant to article twenty-eight of the public health
49 law; or (3) a school-based mental health clinic licensed or approved by
50 the office of mental health pursuant to article thirty-one of the mental
51 hygiene law; or (4) a school-based mental health clinic licensed by the
52 office [~~of mental retardation and~~] for people with developmental disa-
53 bilities pursuant to article sixteen of the mental hygiene law.

54 § 35. Paragraphs a and c of subdivision 2 and the closing paragraph of
55 subdivision 3 of section 1004-b of the education law, as added by chap-
56 ter 515 of the laws of 1992, are amended to read as follows:

1 a. The commissioner, in consultation with and with the agreement of
2 the commissioners of mental health, [~~mental retardation and~~] the office
3 for people with developmental disabilities and social services shall
4 develop a state interagency plan for the implementation of integrated
5 employment opportunities for individuals with severe disabilities,
6 including supported employment. Such plan shall be designed so as to
7 ensure that the state's integrated employment efforts, including the
8 supported employment program, are planned, developed and implemented
9 comprehensively, with roles and responsibilities of the respective agen-
10 cies well-defined. Such plan shall reflect the department's primary
11 responsibility for the development of integrated employment opportu-
12 nities for individuals with severe disabilities, including short-term
13 and intensive supported employment services, as well as appropriate
14 responsibilities for long term extended support services. Such plan
15 shall specify the role and responsibilities of each such agency in
16 assuring that:

17 c. The commissioner, in consultation with the commissioners of the
18 office of mental health, the office [~~of mental retardation and~~] for
19 people with developmental disabilities and the department of social
20 services, shall develop an audit protocol to verify the actual costs of
21 providing such programs.

22 The commissioners of the office of mental health, the office [~~of~~
23 ~~mental retardation and~~] for people with developmental disabilities, and
24 the department of social services shall provide any information required
25 to assist the commissioner in making such report.

26 § 36. Paragraph c and subparagraphs 1, 2 and 13 of paragraph d of
27 subdivision 5 of section 3202 of the education law, paragraph c as added
28 by chapter 66 of the laws of 1978, subparagraph 2 of paragraph c as
29 amended by section 26 of part B of chapter 57 of the laws of 2007,
30 subparagraphs 1 and 2 as amended by chapter 260 of the laws of 1993 and
31 subparagraph 13 as amended by chapter 273 of the laws of 1986 and renum-
32 bered by chapter 57 of the laws of 1993, are amended to read as follows:

33 c. (1) The education department is authorized to reimburse each school
34 district furnishing educational services to children residing in schools
35 for the mentally retarded operated by the office [~~of mental retardation~~
36 ~~and~~] for people with developmental disabilities for the direct cost of
37 such services in accordance with regulations promulgated by the commis-
38 sioner and approved by the director of the budget.

39 (2) The school district in which each such child resided at the time
40 the office [~~of mental retardation and~~] for people with developmental
41 disabilities assumed responsibility for the support and maintenance of
42 such child shall reimburse the education department for its expenditures
43 on behalf of such child, in an amount equal to the school district basic
44 contribution as such term is defined in subdivision eight of section
45 forty-four hundred one of this chapter, for any such child admitted to a
46 state school for the retarded on or after July first, nineteen hundred
47 seventy-eight. The comptroller may deduct from any state funds which
48 become due to a school district an amount equal to the reimbursement
49 required to be made by such school district in accordance with this
50 paragraph and the amount so deducted shall not be included in the
51 approved operating expense of such district for the purpose of computing
52 the approved operating expenses pursuant to paragraph t of subdivision
53 one of section thirty-six hundred two of this chapter.

54 (1) Children who reside in an intermediate care facility for the
55 mentally retarded, other than a state operated school for the mentally
56 retarded, as defined in regulations of the office [~~of mental retardation~~

1 ~~and~~] for people with developmental disabilities, shall be admitted to
2 the public schools, except as otherwise provided in subparagraph four-
3 teen of this paragraph. The trustees or board of education of the
4 school district in which such facility is located shall receive such
5 children in the school or schools of the district for instruction and
6 for the provision of necessary related services for a compensation to be
7 fixed by the trustees or board of education, unless such trustees or
8 board of education shall establish to the satisfaction of the commis-
9 sioner of education that there are valid and sufficient reasons for
10 refusal to receive such children. Evaluation of the educational needs
11 of such children and placement in appropriate educational programs shall
12 be made in accordance with article eighty-nine of this chapter.

13 (2) A child who resides in an individualized residential alternative
14 as defined in regulations of the office [~~of mental retardation and~~] for
15 people with developmental disabilities which is located in a school
16 district other than the school district in which such child's parent or
17 person in parental relation resided at the time such child was placed in
18 an institution under the auspices of such office shall be deemed to
19 reside in an intermediate care facility for purposes of this subdivision
20 to the extent such child is enrolled in a home and community based waiv-
21 er program approved by the Health Care Financing Administration.

22 (13) The school district providing educational services to children
23 placed pursuant to this paragraph shall provide a report on the status
24 of each such child with a handicapping condition annually to the commit-
25 tee on special education of the school district in which the child
26 resided at the time of admission to the intermediate care facility for
27 the mentally retarded. Such report shall also be sent to the parent or
28 guardian of the child and the office [~~of mental retardation and~~] for
29 people with developmental disabilities.

30 § 37. The opening paragraph of clause (c) of subparagraph 4 of para-
31 graph b of subdivision 1 of section 4402 of the education law, as
32 amended by chapter 378 of the laws of 2007, is amended to read as
33 follows:

34 The committee on special education, with the consent of the parent or
35 person in parental relation or the student, if he or she is over the age
36 of eighteen, shall request in writing a designee of the appropriate
37 county or state agency to participate, in accordance with guidelines
38 established by the department, in any proceeding of the committee where
39 a child is at risk of residential placement. The committee shall forward
40 a copy of any such request to the office [~~of mental retardation and~~] for
41 people with developmental disabilities and the office of mental health.
42 A designee or designees of the agency may participate in any such
43 proceeding for the purpose of making recommendations concerning the
44 appropriateness of residential placement and other programs and place-
45 ment alternatives, including, but not limited to, community support
46 services that may be available to the family. Such designee or designees
47 shall not be considered members of the committee. Such designee or
48 designees shall include, but not be limited to, representatives of any
49 agency receiving coordinated children's services initiative funding as
50 referenced in the aid to localities budget, of a local interagency coor-
51 dinating body, of the social services district, the local mental health
52 agency, or health department, or of the developmental disabilities
53 service office, as appropriate. The name of such designee or designees,
54 if any, shall be made available to each committee on special education
55 in the county. In addition, with the consent of the parent or other
56 person in parental relation, the committee may confer with other appro-

1 priate providers of services to identify any services that may be of
2 benefit to the family based on the family's identification of or the
3 committee's observation of family services needs. As used in this chap-
4 ter, the term "county" means county as defined in section four thousand
5 one of this ~~[article]~~ title, and the term "appropriate agency" means one
6 of the following agencies:

7 § 38. The opening paragraph of clause (c) of subparagraph 4 of para-
8 graph b of subdivision 1 of section 4402 of the education law, as
9 amended by chapter 600 of the laws of 1994, is amended to read as
10 follows:

11 The committee on special education shall request in writing a designee
12 of the appropriate county or state agency to participate, in accordance
13 with guidelines established by the department, in any proceeding of the
14 committee where a child is at risk of residential placement. The commit-
15 tee shall forward a copy of any such request to the office ~~[of mental~~
16 ~~retardation and]~~ for people with developmental disabilities and the
17 office of mental health. A designee or designees of the agency may
18 participate in any such proceeding for the purpose of making recommenda-
19 tions concerning the appropriateness of residential placement and other
20 programs and placement alternatives, including, but not limited to,
21 community support services that may be available to the family. Such
22 designee or designees shall not be considered members of the committee.
23 Such designee or designees shall include, but not be limited to, repre-
24 sentatives of any agency receiving coordinated children's services
25 initiative funding as referenced in the aid to localities budget, of a
26 local interagency coordinating body, of the social services district,
27 the local mental health agency, or health department, or of the develop-
28 mental disabilities service office, as appropriate. The name of such
29 designee or designees, if any, shall be made available to each committee
30 on special education in the county. In addition, with the consent of the
31 parent or other person in parental relationship, the committee may
32 confer with other appropriate providers of services to identify any
33 services that may be of benefit to the family based on the family's
34 identification of or the committee's observation of family services
35 needs. As used in this chapter, the term "county" means county as
36 defined in section four thousand one of this ~~[article]~~ title, and the
37 term "appropriate agency" means one of the following agencies:

38 § 39. Paragraph b of subdivision 4 of section 6503-a of the education
39 law, as added by chapter 130 of the laws of 2010, is amended to read as
40 follows:

41 b. any entity operated by a New York state or federal agency, poli-
42 tical subdivision, municipal corporation, or local government agency or
43 unit pursuant to authority granted by law, including but not limited to
44 any entity operated by the office of mental health, the office ~~[of~~
45 ~~mental retardation and]~~ for people with developmental disabilities, or
46 the office of alcoholism and substance abuse services under articles
47 seven, thirteen, and nineteen of the mental hygiene law, respectively.

48 § 40. Paragraph a of subdivision 3 of section 6507 of the education
49 law, as amended by chapter 554 of the laws of 2013, is amended to read
50 as follows:

51 a. Establish standards for preprofessional and professional education,
52 experience and licensing examinations as required to implement the arti-
53 cle for each profession. Notwithstanding any other provision of law, the
54 commissioner shall establish standards requiring that all persons apply-
55 ing, on or after January first, nineteen hundred ninety-one, initially,
56 or for the renewal of, a license, registration or limited permit to be a

1 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
2 trist, psychiatrist, psychologist, licensed master social worker,
3 licensed clinical social worker, licensed creative arts therapist,
4 licensed marriage and family therapist, licensed mental health counse-
5 lor, licensed psychoanalyst, dental hygienist, licensed behavior
6 analyst, or certified behavior analyst assistant shall, in addition to
7 all the other licensure, certification or permit requirements, have
8 completed two hours of coursework or training regarding the identifica-
9 tion and reporting of child abuse and maltreatment. The coursework or
10 training shall be obtained from an institution or provider which has
11 been approved by the department to provide such coursework or training.
12 The coursework or training shall include information regarding the phys-
13 ical and behavioral indicators of child abuse and maltreatment and the
14 statutory reporting requirements set out in sections four hundred thir-
15 teen through four hundred twenty of the social services law, including
16 but not limited to, when and how a report must be made, what other
17 actions the reporter is mandated or authorized to take, the legal
18 protections afforded reporters, and the consequences for failing to
19 report. Such coursework or training may also include information regard-
20 ing the physical and behavioral indicators of the abuse of individuals
21 with mental retardation and other developmental disabilities and volun-
22 tary reporting of abused or neglected adults to the office [~~of mental~~
23 ~~retardation and~~] for people with developmental disabilities or the local
24 adult protective services unit. Each applicant shall provide the depart-
25 ment with documentation showing that he or she has completed the
26 required training. The department shall provide an exemption from the
27 child abuse and maltreatment training requirements to any applicant who
28 requests such an exemption and who shows, to the department's satisfac-
29 tion, that there would be no need because of the nature of his or her
30 practice for him or her to complete such training;

31 § 41. Subdivision b of section 6738 of the education law, as amended
32 by chapter 532 of the laws of 1999, is amended to read as follows:

33 b. Notwithstanding the provisions of subdivision a of this section,
34 supervision of a physical therapist assistant by a licensed physical
35 therapist, (i) in a residential health care facility, as defined in
36 article twenty-eight of the public health law, (ii) in a diagnostic and
37 treatment center licensed under article twenty-eight of the public
38 health law that provides, as its principal mission, services to individ-
39 uals with developmental disabilities, (iii) in a facility, as defined in
40 section 1.03 of the mental hygiene law, or (iv) under a monitored
41 program of the office [~~of mental retardation and~~] for people with devel-
42 opmental disabilities as defined in subdivision (a) of section 13.15 of
43 the mental hygiene law, shall be continuous but not necessarily on site
44 when the supervising physical therapist has determined, through evalu-
45 ation, the setting of goals and the establishment of a treatment plan,
46 that the program is one of maintenance as defined pursuant to title
47 XVIII of the federal social security act. The provisions of this subdivi-
48 sion shall not apply to the provision of physical therapy services
49 when the condition requires multiple adjustments of sequences and proce-
50 dures due to rapidly changing physiological status and/or response to
51 treatment, or to children under five years of age.

52 § 42. Paragraph 1 of subdivision a of section 89-t of the retirement
53 and social security law, as added by chapter 657 of the laws of 1998, is
54 amended to read as follows:

55 1. "Qualifying member" shall mean any member who is in service as a
56 safety officer under the jurisdiction of the office of mental health or

1 the office [~~of mental retardation and~~] for people with developmental
2 disabilities, an institutional safety officer, or a special policeman
3 designated by the director of a state hospital.

4 § 43. Subdivision (e) of section 17 of the social services law, as
5 added by chapter 515 of the laws of 1992, is amended to read as follows:

6 (e) work cooperatively with the commissioner of the office of mental
7 health and the commissioner of the office [~~of mental retardation and~~]
8 for people with developmental disabilities to assist the commissioner of
9 education in furnishing integrated employment services to individuals
10 with severe disabilities, including the development of an integrated
11 employment implementation plan pursuant to article twenty-one of the
12 education law;

13 § 44. Paragraph (h) of subdivision 3 of section 34 of the social
14 services law, as added by chapter 600 of the laws of 1994, is amended to
15 read as follows:

16 (h) in consultation with the department of education, the department
17 of health, the division for youth, the office [~~of mental retardation~~
18 ~~and~~] for people with developmental disabilities and the office of mental
19 health, establish guidelines for the acceptance by social services offi-
20 cials of notices that children in foster care are at risk of educational
21 placements, as provided for in subparagraph four of paragraph b of
22 subdivision one of section forty-four hundred two of the education law.
23 Such guidelines shall be designed to assure that the social services
24 district receiving such a notice inquire into the educational needs of
25 the child and the circumstances of the foster care placement, and to
26 assure that the social services district responds as appropriate to any
27 request by a committee on special education to participate in the
28 proceedings of the committee;

29 § 45. The opening paragraph of paragraph (c) of subdivision 1 of
30 section 122 of the social services law, as amended by chapter 214 of the
31 laws of 1998, is amended to read as follows:

32 The following persons, not described in paragraph (a) or (b) of this
33 subdivision, shall, if otherwise eligible, be eligible for safety net
34 assistance and medical assistance, except that medical assistance shall
35 be limited to care and services (not including care and services related
36 to an organ transplant procedure) necessary for the treatment of an
37 emergency medical condition as that term is defined in section 1903 of
38 the federal social security act unless and until federal financial
39 participation is available for the costs of providing medical assistance
40 provided, however, that any such person who, on the fourth day of
41 August, nineteen hundred ninety-seven was residing in a residential
42 health care facility licensed by the department of health or in a resi-
43 dential facility licensed, operated or funded by the office of mental
44 health or the office [~~of mental retardation and~~] for people with devel-
45 opmental disabilities, and was in receipt of a medical assistance
46 authorization based on a finding that he or she was a person permanently
47 residing in the United States under color of law shall, if otherwise
48 eligible, be eligible for medical assistance and provided, further, that
49 any such person who, on the fourth day of August, nineteen hundred nine-
50 ty-seven, was diagnosed as having AIDS, as defined in subdivision one of
51 section two thousand seven hundred eighty of the public health law, and
52 was in receipt of medical assistance authorization pursuant to title
53 eleven of article five of this chapter based on a finding that he or she
54 was a person permanently residing in the United States under color of
55 law shall, if otherwise eligible, be eligible for medical assistance:

1 § 46. Subdivision 1 of section 138-a of the social services law, as
2 amended by chapter 791 of the laws of 1983, is amended to read as
3 follows:

4 1. Any inconsistent provision of this chapter or other law notwith-
5 standing, the department shall be responsible for furnishing public
6 assistance and care to mentally disabled persons residing in family care
7 homes licensed by the office of mental health or the office [~~of mental~~
8 ~~retardation and~~] for people with developmental disabilities who are
9 admitted to such facilities in accordance with regulations of the office
10 which licenses the facility. However, the department may, at its option,
11 discharge such responsibility, in whole or in part, through social
12 services districts designated to act as agents of the department. While
13 so designated, a social services district shall act as agent of the
14 department and shall be entitled to reimbursement as provided in section
15 one hundred fifty-three of this chapter.

16 § 47. Subdivision 2-a and paragraph (e) of subdivision 3 of section
17 209 of the social services law, subdivision 2-a as amended by chapter
18 450 of the laws of 1987 and paragraph (e) of subdivision 3 as amended by
19 section 48 of part C of chapter 58 of the laws of 2005, are amended to
20 read as follows:

21 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
22 of paragraph (d) of subdivision one of this section, an individual who
23 is receiving or is eligible to receive federal supplemental security
24 income payments and/or additional state payments and who is a resident
25 of a residential health care facility as defined by section twenty-eight
26 hundred one of the public health law, shall, in accordance with regu-
27 lations of the department, be entitled to a state payment for personal
28 needs in the amount of fifteen dollars a month, provided, however, that
29 on or after January first, nineteen hundred eighty-eight the state
30 payment for personal needs for such persons shall be in the amount of
31 twenty-five dollars a month. Notwithstanding any inconsistent provision
32 of subparagraph (ii) of paragraph (d) of subdivision one of this
33 section, on or after January first, nineteen hundred eighty-eight, a
34 resident of an intermediate care facility operated or issued an operat-
35 ing certificate by the office [~~of mental retardation and~~] for people
36 with developmental disabilities or a patient of a hospital operated by
37 the office of mental health as defined in subdivision ten of section
38 1.03 of the mental hygiene law who is receiving or is eligible to
39 receive supplemental security income payments and/or additional state
40 payments shall receive a state payment for personal needs in the amount
41 of five dollars a month. The department is authorized to promulgate
42 necessary regulations to provide for the time and manner for payment of
43 such personal allowance to such individuals.

44 (e) "Receiving enhanced residential care" shall mean residing in a
45 privately operated school for the mentally retarded and developmentally
46 disabled which is certified by the office [~~of mental retardation and~~]
47 for people with developmental disabilities of the department of mental
48 hygiene, in accordance with applicable provisions of law and regulations
49 or an adult home, or enriched housing program certified by the depart-
50 ment of health in accordance with applicable law, rules and regulations
51 to the extent permitted by federal law and regulations.

52 § 48. Paragraph (1) of subdivision 1 of section 364-j of the social
53 services law, as amended by chapter 649 of the laws of 1996, is amended
54 to read as follows:

55 (1) "Responsible special care agency". Whichever of the following
56 state agencies has responsibility for the special care in question: the

1 department of health, the office of mental health, the office [~~of mental~~
2 ~~retardation and~~] for people with developmental disabilities, or the
3 office of alcoholism and substance abuse services.

4 § 49. Paragraph (a) of subdivision 9 of section 365-a of the social
5 services law, as added by section 14 of part B of chapter 109 of the
6 laws of 2010, is amended to read as follows:

7 (a) Notwithstanding any inconsistent provision of law, any utilization
8 controls on occupational therapy or physical therapy, including but not
9 limited to, prior approval of services, utilization thresholds or other
10 limitations imposed on such therapy services in relation to a chronic
11 condition in clinics certified under article twenty-eight of the public
12 health law or article sixteen of the mental hygiene law shall be: (i)
13 developed by the department of health in concurrence with the office [~~of~~
14 ~~mental retardation and~~] for people with developmental disabilities; and
15 (ii) in accord with nationally recognized professional standards. In the
16 event that nationally recognized professional standards do not exist,
17 such thresholds shall be based upon the reasonably recognized profes-
18 sional standards of those with a specific expertise in treating individ-
19 uals served by clinics certified under article twenty-eight of the
20 public health law or article sixteen of the mental hygiene law.

21 § 50. Clauses (i) and (ii) of subparagraph 10 of paragraph (a) of
22 subdivision 2, clause (ix) of paragraph b and paragraphs d, e, f, g, i,
23 k, l and m of subdivision 7 of section 366 of the social services law,
24 clause (i) of subparagraph 10 of paragraph (a), as added by chapter 705
25 of the laws of 1988, clause (ii) of subparagraph 10 of paragraph (a), as
26 amended by chapter 855 of the laws of 1990, clause (ix) of paragraph b
27 and paragraphs d, e, f, g, i, k, l and m of subdivision 7 as amended by
28 chapter 324 of the laws of 2004, are amended to read as follows:

29 (i) A person who is receiving or is eligible to receive federal
30 supplemental security income payments and/or additional state payments
31 is entitled to a personal needs allowance as follows:

32 (A) for the personal expenses of a resident of a residential health
33 care facility, as defined by section twenty-eight hundred one of the
34 public health law, the amount of fifty-five dollars per month;

35 (B) for the personal expenses of a resident of an intermediate care
36 facility operated or licensed by the office [~~of mental retardation and~~]
37 for people with developmental disabilities or a patient of a hospital
38 operated by the office of mental health, as defined by subdivision ten
39 of section 1.03 of the mental hygiene law, the amount of thirty-five
40 dollars per month.

41 (ii) A person who neither receives nor is eligible to receive federal
42 supplemental security income payments and/or additional state payments
43 is entitled to a personal needs allowance as follows:

44 (A) for the personal expenses of a resident of a residential health
45 care facility, as defined by section twenty-eight hundred one of the
46 public health law, the amount of fifty dollars per month;

47 (B) for the personal expenses of a resident of an intermediate care
48 facility operated or licensed by the office [~~of mental retardation and~~]
49 for people with developmental disabilities or a patient of a hospital
50 operated by the office of mental health, as defined by subdivision ten
51 of section 1.03 of the mental hygiene law, the amount of thirty-five
52 dollars per month.

53 (ix) meet such other criteria as may be established by the commission-
54 er of health, in conjunction with the commissioner of [~~mental retarda-~~
55 ~~tion and~~] the office for people with developmental disabilities, as may
56 be necessary to administer the provisions of this subdivision in an

1 equitable manner, including those criteria established pursuant to para-
2 graph d of this subdivision.

3 d. The commissioner of health, in conjunction with the commissioner of
4 ~~[mental retardation and]~~ the office for people with developmental disa-
5 bilities, shall establish selection criteria to ensure that participants
6 are those who are most in need and reflect an equitable geographic
7 distribution. Such selection criteria shall include, but not be limited
8 to, the imminent risk of institutionalization, the financial burden
9 imposed upon the family as a result of the child's health care needs,
10 and the level of stress within the family unit due to the unrelieved
11 burden of caring for the child at home.

12 e. Social services districts, in consultation with the office [~~of~~
13 ~~mental retardation and]~~ for people with developmental disabilities,
14 shall assess the eligibility of persons in accordance with the
15 provisions of paragraph b of this subdivision, as well as the selection
16 criteria established by the commissioner of health and the commissioner
17 of ~~[mental retardation and]~~ the office for people with developmental
18 disabilities as required by paragraph d of this subdivision.

19 f. The commissioner of health, in conjunction with the commissioner of
20 ~~[mental retardation and]~~ the office for people with developmental disa-
21 bilities, shall designate persons to assess the eligibility of persons
22 under consideration for participation in the waiver program. Persons
23 designated by such commissioners may include the person's physician, a
24 representative of the social services district, representative of the
25 appropriate developmental disabilities services office and such other
26 persons as the commissioners deem appropriate. The assessment shall
27 include, but need not be limited to, an evaluation of the health,
28 psycho-social, developmental, habilitation and environmental needs of
29 the person and shall serve as the basis for the development and
30 provision of an appropriate plan of care for such person.

31 g. Prior to a person's participation in the waiver program, the office
32 ~~[of mental retardation and]~~ for people with developmental disabilities
33 shall undertake or arrange for the development of a written plan of care
34 for the provision of services consistent with the level of care deter-
35 mined by the assessment, in accordance with criteria established by the
36 commissioner of health, in consultation with the commissioner of ~~[mental~~
37 ~~retardation and]~~ the office for people with developmental disabilities.
38 Such plan of care shall be reviewed by such commissioners prior to the
39 provision of services pursuant to the waiver program.

40 i. The office [~~of mental retardation and]~~ for people with develop-
41 mental disabilities shall designate who may provide the home and commu-
42 nity-based services identified in paragraph h of this subdivision,
43 subject to the approval of the commissioner of health.

44 k. Before a person may participate in the waiver program specified in
45 paragraph a of this subdivision, the office [~~of mental retardation and]~~
46 for people with developmental disabilities shall determine that there is
47 a reasonable expectation that the annual medical assistance expenditures
48 for such person under the waiver would not exceed the expenditures for
49 care in an intermediate care facility for the developmentally disabled
50 that would have been made had the waiver not been granted.

51 l. The commissioner of health, in conjunction with the commissioner of
52 ~~[mental retardation and]~~ the office for people with developmental disa-
53 bilities, shall review the plans of care and expenditure estimates prior
54 to the participation of any person in the waiver program.

55 m. Within one year of federal waiver approval, and on an annual basis
56 thereafter, until such time as the waiver program is fully implemented,

1 the commissioner of health, in conjunction with the commissioner of
2 [~~mental retardation and~~] the office for people with developmental disa-
3 bilities, shall report on the status of the waiver program to the gover-
4 nor and the legislature. Such report shall specify the number of chil-
5 dren participating in the waiver program, the geographic distribution of
6 those so participating, health profiles, service costs and length of
7 time the children have participated in the waiver program. The report
8 shall also provide follow-up information on children who have withdrawn
9 from the waiver program, including data on residential program place-
10 ments.

11 § 51. The closing paragraph of subdivision 4 of section 366-c of the
12 social services law, as amended by section 42 of part D of chapter 58 of
13 the laws of 2009, is amended to read as follows:

14 provided, however, that, to the extent required by federal law, the
15 terms of this subdivision shall not apply to persons who are receiving
16 care, services and supplies pursuant to the following waivers under
17 section 1915(c) of the federal social security act: the nursing facility
18 transition and diversion waiver authorized pursuant to subdivision six-a
19 of section three hundred sixty-six of this title; the traumatic brain
20 injury waiver authorized pursuant to section twenty-seven hundred forty
21 of the public health law, the long term home health care program waiver
22 authorized pursuant to section three hundred sixty-seven-c of this
23 title, and the home and community based services waiver for persons with
24 developmental disabilities administered by the office [~~of mental retar-~~
25 ~~dation and~~] for people with developmental disabilities pursuant to an
26 agreement with the federal centers for medicare and Medicaid services.

27 § 52. Subparagraph (iii) of paragraph (b) of subdivision 6 of section
28 367-a of the social services law, as amended by section 15 of part B of
29 chapter 57 of the laws of 2015, is amended to read as follows:

30 (iii) individuals who are inpatients in a medical facility who have
31 been required to spend all of their income for medical care, except
32 their personal needs allowance or residents of community based residen-
33 tial facilities licensed by the office of mental health or the office
34 [~~of mental retardation and~~] for people with developmental disabilities
35 who have been required to spend all of their income, except their
36 personal needs allowance;

37 § 53. Paragraph (h) of subdivision 1 of section 368-a of the social
38 services law, as amended by section 22 of part H of chapter 686 of the
39 laws of 2003, is amended to read as follows:

40 (h) (i) Beginning January first, nineteen hundred eighty-four, one
41 hundred per centum of the amount expended for medical assistance for
42 those individuals who are eligible pursuant to section three hundred
43 sixty-six of this article as a result of a mental disability as deter-
44 mined by the commissioner in consultation with the commissioner of the
45 office of mental health and the commissioner of the office [~~of mental~~
46 ~~retardation and~~] for people with developmental disabilities and with the
47 approval of the director of the budget after first deducting therefrom
48 any federal funds properly received or to be received on account there-
49 of.

50 (ii) Notwithstanding any other provision of law to the contrary, on
51 and after the effective date of this subparagraph, the department of
52 health shall make no further recovery or recoupment of monies that were
53 advanced to local social services districts, during the period from
54 April first, nineteen hundred ninety-two to the effective date of this
55 subparagraph, to cover the medical assistance costs pursuant to this
56 paragraph for rehabilitative services for residents of community resi-

1 dences licensed or operated by the office of mental health or for office
2 [~~of mental retardation and~~] for people with developmental disabilities
3 home and community based waiver services.

4 § 54. Subclause 2 of clause (c) of subparagraph (ii) of paragraph (a)
5 of subdivision 1 of section 390 of the social services law, as added by
6 chapter 750 of the laws of 1990, is amended to read as follows:

7 (2) providing day treatment under an operating certificate issued by
8 the office of mental health or office [~~of mental retardation and~~] for
9 people with developmental disabilities; or

10 § 55. Paragraph (c) of subdivision 13 and subdivision 14 of section
11 398 of the social services law, paragraph (c) of subdivision 13 as added
12 by chapter 544 of the laws of 1982, subdivision 14 as added by chapter
13 570 of the laws of 1983, paragraph (a) as amended by chapter 387 of the
14 laws of 1999 and such subdivisions as renumbered by chapter 419 of the
15 laws of 1987, are amended to read as follows:

16 (c) When a child's report is submitted to the council on children and
17 families pursuant to this subdivision, the council shall cooperate with
18 adult service providers, such as the department of social services, the
19 office [~~of mental retardation~~] for people with and developmental disa-
20 bilities, the office of mental health and the office of vocational reha-
21 bilitation of the education department in planning and coordinating such
22 child's return to New York state for adult services. The council shall
23 arrange with the appropriate state agency for the development of a
24 recommendation of all appropriate in-state programs operated, licensed,
25 certified or authorized by such agency and which may be available when
26 such child attains the age of twenty-one. Such recommendation of all
27 programs shall be made available to the parent or guardian of such child
28 at least six months before such child attains the age of twenty-one. All
29 records, reports and information received, compiled or maintained by the
30 council pursuant to this subdivision shall be subject to the confiden-
31 tiality requirements of the department.

32 14. (a) In the case of a child who is developmentally disabled as
33 such term is defined in section 1.03 of the mental hygiene law,
34 emotionally disturbed or physically handicapped and who is receiving
35 care in a group home, agency boarding home, or any child care facility
36 operated by an authorized agency with a capacity of thirteen or more
37 children, who attains the age of eighteen and who will continue in such
38 care after the age of eighteen, or who is placed in such care after the
39 age of eighteen, the social services official shall notify the parent or
40 guardian of such child that such care will terminate when such child
41 attains the age of twenty-one provided, however, that any such child in
42 receipt of educational services and under the care and custody of a
43 local department of social services who reaches the age of twenty-one
44 during the period commencing on the first day of September and ending on
45 the thirtieth day of June shall be entitled to continue in such program
46 until the thirtieth day of June or until the termination of the school
47 year, whichever shall first occur. Such notice shall be in writing and
48 shall describe in detail the parent's or guardian's opportunity to
49 consent to having such child's name and other information forwarded in a
50 report to the commissioner of mental health, commissioner of [~~mental~~
51 ~~retardation and~~] the office for people with developmental disabilities,
52 commissioner of education or commissioner of the office of children and
53 family services or their designees for the purpose of determining wheth-
54 er such child will likely need services after the age of twenty-one and,
55 if so, recommending possible adult services.

1 (b) Upon the written consent of the parent or guardian, and notwith-
2 standing section three hundred seventy-two of this article, the social
3 services official shall submit a report on such child's possible need
4 for services after age twenty-one to the commissioner of mental health,
5 commissioner of [~~mental-retardation-and~~] the office for people with
6 developmental disabilities, commissioner of social services or commis-
7 sioner of education or their designees for the development of a recom-
8 mendation pursuant to section 7.37 or 13.37 of the mental hygiene law,
9 section three hundred ninety-eight-c of this [~~article~~] title or subdivi-
10 sion ten of section four thousand four hundred three of the education
11 law. The social services official shall determine which commissioner
12 shall receive the report by considering the child's handicapping condi-
13 tion. If the social services official determines that the child will
14 need adult services from the department and such social services offi-
15 cial is the commissioner's designee pursuant to this subdivision and
16 section three hundred ninety-eight-c of this [~~article~~] title, such
17 social services official shall perform the services described in section
18 three hundred ninety-eight-c of this [~~article~~] title.

19 (c) A copy of such report shall also be submitted to the department at
20 the same time that such report is submitted to the commissioner of
21 mental health, commissioner of [~~mental-retardation-and~~] the office for
22 people with developmental disabilities or commissioner of education or
23 their designees.

24 (d) When the social services official is notified by the commissioner
25 who received the report that such state agency is not responsible for
26 determining and recommending adult services for the child, the social
27 services official shall forward the report to another commissioner; or,
28 if the social services official determines that there exists a dispute
29 between state agencies as to which state agency has the responsibility
30 for determining and recommending adult services, the social services
31 official may forward the report to the council on children and families
32 for a resolution of such dispute.

33 (e) The social services official shall prepare and submit an annual
34 report to the department on October first, nineteen hundred eighty-four
35 and thereafter on or before October first of each year. Such annual
36 report shall contain the number of cases submitted to each commissioner
37 pursuant to paragraph (b) of this subdivision, the type and severity of
38 the handicapping condition of each such case, the number of notices
39 received which deny responsibility for determining and recommending
40 adult services, and other information necessary for the department and
41 the council on children and families to monitor the need for adult
42 services, but shall not contain personally identifying information. The
43 department shall forward copies of such annual reports to the council on
44 children and families. All information received by the council on chil-
45 dren and families pursuant to this paragraph shall be subject to the
46 confidentiality requirements of the department.

47 § 56. Subdivision 1 of section 463 of the social services law, as
48 amended by chapter 465 of the laws of 1992, is amended to read as
49 follows:

50 1. "Community residential facility" means any facility operated or
51 subject to licensure by the state which provides a supervised residence
52 for mentally, emotionally, physically, or socially disabled persons or
53 for persons in need of supervision or juvenile delinquents. This term
54 includes, but is not limited to, community residences for the mentally
55 disabled operated or licensed by the offices of mental health or [~~mental-~~
56 ~~retardation-and~~] office for people with developmental disabilities or by

1 the divisions of the office of alcoholism and substance abuse, agency
2 operated boarding homes, group homes or private proprietary homes for
3 adults operated or licensed by the department of social services, group
4 homes operated by, contracted for or licensed by the division for youth
5 and half-way houses operated or licensed by the division of substance
6 abuse services.

7 § 57. Section 466-a of the social services law, as amended by chapter
8 405 of the laws of 1998, is amended to read as follows:

9 § 466-a. Agreements. The department shall enter into memorandums of
10 understanding with the office of mental health and the office [~~of mental~~
11 ~~retardation and~~] for people with developmental disabilities. The memo-
12 randums with the office [~~of mental retardation and~~] for people with
13 developmental disabilities and the office of mental health shall facili-
14 tate access by those offices to child care facilities providing transi-
15 tional care to young adults as may be necessary for those offices to
16 meet their responsibilities for monitoring the care of the young adults.

17 § 58. Subdivision 1 of section 483 of the social services law, as
18 amended by section 62 of part A of chapter 56 of the laws of 2010, is
19 amended to read as follows:

20 1. There shall be a council on children and families established with-
21 in the office of children and family services consisting of the follow-
22 ing members: the state commissioner of children and family services, the
23 commissioner of temporary and disability assistance, the commissioner of
24 mental health, the commissioner of [~~mental retardation and~~] the office
25 for people with developmental disabilities, the commissioner of the
26 office of alcoholism and substance abuse services, the commissioner of
27 education, the director of the office of probation and correctional
28 alternatives, the commissioner of health, the commissioner of the divi-
29 sion of criminal justice services, the state advocate for persons with
30 disabilities, the director of the office for the aging, the commissioner
31 of labor, and the chair of the commission on quality of care for the
32 mentally disabled. The governor shall designate the chair of the council
33 and the chief executive officer (CEO).

34 § 59. Subparagraph (i) of paragraph (a) of subdivision 3 of section
35 483-c of the social services law, as amended by section 63 of part A of
36 chapter 56 of the laws of 2010, is amended to read as follows:

37 (i) State tier III team. There is hereby established a state team
38 designated as the "tier III team", which shall consist of the chair of
39 the council, the commissioners of children and family services, mental
40 health, health, education, alcohol and substance abuse services, and
41 [~~mental retardation and~~] the office for people with developmental disa-
42 bilities, and the director of the office of probation and correctional
43 alternatives, or their designated representatives, and representatives
44 of families of children with emotional and/or behavioral disorders.
45 Other representatives may be added at the discretion of such team.

46 § 60. Subdivision 1 of section 483-d of the social services law, as
47 amended by section 18 of part A of chapter 56 of the laws of 2010, is
48 amended to read as follows:

49 1. Committee established. There is hereby established within the
50 council an out-of-state placement committee comprised of the commission-
51 er of children and family services, the commissioner of mental health,
52 the commissioner of [~~mental retardation and~~] the office for people with
53 developmental disabilities, the commissioner of education, the commis-
54 sioner of alcoholism and substance abuse services, the commissioner of
55 health, and the director of the office of probation and correctional
56 alternatives.

1 § 61. Subdivision 1 of section 483-e of the social services law, as
2 added by chapter 624 of the laws of 2006, is amended to read as follows:

3 1. Committee established. There is hereby established within the coun-
4 cil a restraint and crisis intervention technique committee comprised of
5 the commissioner of children and family services, the commissioner of
6 mental health, the commissioner of [~~mental retardation and~~] the office
7 for people with developmental disabilities, the commissioner of educa-
8 tion and the commissioner of health. The committee shall include at
9 least two representatives of statewide and regional provider organiza-
10 tions that represent providers of educational and residential services
11 to children, at least two mental health professionals who provide direct
12 care on a regular basis to children served by the program types provided
13 in subdivision two of this section and at least one representative of
14 parents of children requiring special services.

15 § 62. Subdivision 1 of section 483-f of the social services law, as
16 added by chapter 413 of the laws of 2009, is amended to read as follows:

17 1. The council, in accordance with section 7.43 of the mental hygiene
18 law, shall assist the commissioner of mental health with the implementa-
19 tion of the children's plan, developed pursuant to chapter six hundred
20 sixty-seven of the laws of two thousand six. State child-serving agen-
21 cies involved in the development of such plan shall assist, as needed,
22 with such plan's implementation and such agencies shall sign off on all
23 future reports and plans. Such agencies shall include, but not be limit-
24 ed to, the office of mental health, the office [~~of mental retardation~~
25 ~~and~~] for people with developmental disabilities, the office of alcohol-
26 ism and substance abuse services, the commission on quality of care and
27 advocacy for persons with disabilities, the office of children and fami-
28 ly services, the state education department, the department of health,
29 and the department of probation and correctional alternatives.

30 § 63. Subdivision (1) of section 3 of the cooperative corporations
31 law, as added by chapter 225 of the laws of 1987, is amended to read as
32 follows:

33 (1) The terms "buying, selling or leasing homes for its members" and
34 "conducting housing" shall include but not be limited to, the purposes
35 and uses of residential facilities for the mentally disabled licensed by
36 the office of mental health or the office [~~of mental retardation and~~]
37 for people with developmental disabilities.

38 § 64. Subdivision 1 of section 206 of the elder law is amended to read
39 as follows:

40 1. The director is hereby authorized and directed, to the extent
41 appropriations are available therefor, to develop, establish and operate
42 training and technical assistance programs, including caregiver resource
43 centers, caregiver networks, and other support activities, for informal
44 caregivers throughout the state for the purposes of assisting such care-
45 givers and improving the quality of care provided to frail and disabled
46 persons. The director shall also make available and encourage the utili-
47 zation of such training programs in consultation with the commissioner
48 of health, the commissioner of the office of children and family
49 services, the commissioner of mental health, and the commissioner of
50 [~~mental retardation and~~] the office for people with developmental disa-
51 bilities.

52 § 65. Subdivision 6 of section 622 of the correction law, as added by
53 chapter 7 of the laws of 2007, is amended to read as follows:

54 6. Staff of the office of mental health and the office [~~of mental~~
55 ~~retardation and~~] for people with developmental disabilities may be
56 consulted about the inmate's treatment needs and may assist in providing

1 any additional treatment services determined to be clinically appropri-
2 ate to address the inmate's underlying mental abnormality or disorder.
3 Such treatment services shall be provided using professionally accepted
4 treatment protocols.

5 § 66. Subdivision 12 of section 2.10 of the criminal procedure law, as
6 added by chapter 843 of the laws of 1980, is amended to read as follows:

7 12. Special policemen designated by the commissioner and the directors
8 of in-patient facilities in the office of mental health pursuant to
9 section 7.25 of the mental hygiene law, and special policemen designated
10 by the commissioner and the directors of facilities under his jurisdic-
11 tion in the office [~~of mental retardation and~~] for people with develop-
12 mental disabilities pursuant to section 13.25 of the mental hygiene law;
13 provided, however, that nothing in this subdivision shall be deemed to
14 authorize such officers to carry, possess, repair or dispose of a
15 firearm unless the appropriate license therefor has been issued pursuant
16 to section 400.00 of the penal law.

17 § 67. Paragraphs (a), (b), and (d) of subdivision 1 of section 330.20
18 of the criminal procedure law, as added by chapter 548 of the laws of
19 1980, are amended to read as follows:

20 (a) "Commissioner" means the state commissioner of mental health or
21 the state commissioner of [~~mental retardation and~~] the office for people
22 with developmental [~~disability~~] disabilities.

23 (b) "Secure facility" means a facility within the state office of
24 mental health or the state office [~~of mental retardation and~~] for people
25 with developmental disabilities which is staffed with personnel
26 adequately trained in security methods and is so equipped as to minimize
27 the risk or danger of escapes, and which has been so specifically desig-
28 nated by the commissioner.

29 (d) "Mentally ill" means that a defendant currently suffers from a
30 mental illness for which care and treatment as a patient, in the in-pa-
31 tient services of a psychiatric center under the jurisdiction of the
32 state office of mental health, is essential to such defendant's welfare
33 and that his judgment is so impaired that he is unable to understand the
34 need for such care and treatment; and, where a defendant is mentally
35 retarded, the term "mentally ill" shall also mean, for purposes of this
36 section, that the defendant is in need of care and treatment as a resi-
37 dent in the in-patient services of a developmental center or other resi-
38 dential facility for the mentally retarded and developmentally disabled
39 under the jurisdiction of the state office [~~of mental retardation and~~]
40 for people with developmental disabilities.

41 § 68. Section 725.15 of the criminal procedure law, as amended by
42 chapter 7 of the laws of 2007, is amended to read as follows:

43 § 725.15 Sealing of records.

44 Except where specifically required or permitted by statute or upon
45 specific authorization of the court that directed removal of an action
46 to the family court all official records and papers of the action up to
47 and including the order of removal, whether on file with the court, a
48 police agency or the division of criminal justice services, are confi-
49 dential and must not be made available to any person or public or
50 private agency, provided however that availability of copies of any such
51 records and papers on file with the family court shall be governed by
52 provisions that apply to family court records, and further provided that
53 all official records and papers of the action shall be included in those
54 records and reports that may be obtained upon request by the commis-
55 sioner of mental health or commissioner of [~~mental retardation and~~] the
56 office for people with developmental disabilities, as appropriate; the

1 case review panel; and the attorney general pursuant to section 10.05 of
2 the mental hygiene law.

3 § 69. Subdivisions 3 and 4 of section 730.10 of the criminal procedure
4 law, as amended by chapter 440 of the laws of 1987, are amended to read
5 as follows:

6 3. "Commissioner" means the state commissioner of mental health or the
7 state commissioner of [~~mental retardation and~~] the office for people
8 with developmental disabilities.

9 4. "Director" means (a) the director of a state hospital operated by
10 the office of mental health or the director of a developmental center
11 operated by the office [~~of mental retardation and~~] for people with
12 developmental disabilities, or (b) the director of a hospital operated
13 by any local government of the state that has been certified by the
14 commissioner as having adequate facilities to examine a defendant to
15 determine if he is an incapacitated person, or (c) the director of
16 community mental health services.

17 § 70. Subdivision (a) of section 249 of the family court act, as sepa-
18 rately amended by chapter 41 of the laws of 2010 and chapter 3 of the
19 laws of 2012, is amended to read as follows:

20 (a) In a proceeding under article three, seven, ten, ten-A or ten-C of
21 this act or where a revocation of an adoption consent is opposed under
22 section one hundred fifteen-b of the domestic relations law or in any
23 proceeding under section three hundred fifty-eight-a, three hundred
24 eighty-three-c, three hundred eighty-four or three hundred eighty-four-b
25 of the social services law or when a minor is sought to be placed in
26 protective custody under section one hundred fifty-eight of this act,
27 the family court shall appoint an attorney to represent a minor who is
28 the subject of the proceeding or who is sought to be placed in protec-
29 tive custody, if independent legal representation is not available to
30 such minor. In any proceeding to extend or continue the placement of a
31 juvenile delinquent or person in need of supervision pursuant to section
32 seven hundred fifty-six or 353.3 of this act or any proceeding to extend
33 or continue a commitment to the custody of the commissioner of mental
34 health or the commissioner of [~~mental retardation and~~] the office for
35 people with developmental disabilities pursuant to section 322.2 of this
36 act, the court shall not permit the respondent to waive the right to be
37 represented by counsel chosen by the respondent, respondent's parent, or
38 other person legally responsible for the respondent's care, or by
39 assigned counsel. In any proceeding under article ten-B of this act, the
40 family court shall appoint an attorney to represent a youth, under the
41 age of twenty-one, who is the subject of the proceeding, if independent
42 legal representation is not available to such youth. In any other
43 proceeding in which the court has jurisdiction, the court may appoint an
44 attorney to represent the child, when, in the opinion of the family
45 court judge, such representation will serve the purposes of this act, if
46 independent legal counsel is not available to the child. The family
47 court on its own motion may make such appointment.

48 § 71. Subdivisions 2-a and 2-b of section 3 of section 1 of chapter
49 359 of the laws of 1968, constituting the facilities development corpo-
50 ration act, as added by chapter 547 of the laws of 1979, are amended to
51 read as follows:

52 2-a. "Department" means the department of mental hygiene and the
53 offices of mental health, [~~mental retardation and developmental disabili-~~
54 ~~ties~~] and alcoholism and substance abuse and the office for people with
55 developmental disabilities of such department.

1 2-b. "Commissioner" means the commissioner of mental health, the
2 commissioner of [~~mental retardation and~~] the office for people with
3 developmental disabilities, the director of the division of alcoholism
4 and alcohol abuse and the director of the division of substance abuse.

5 § 72. Subdivision 13-f of section 5 of section 1 of chapter 359 of the
6 laws of 1968, constituting the facilities development corporation act,
7 as added by chapter 90 of the laws of 1989, is amended to read as
8 follows:

9 13-f. The executive director of the facilities development corporation
10 is authorized and empowered to enter into and implement agreements under
11 which the facilities development corporation may designate the commis-
12 sioner of the office of mental health, the commissioner of the office
13 [~~of mental retardation and~~] for people with developmental disabilities,
14 the director of the division of substance abuse services, or the direc-
15 tor of the division of alcoholism and alcohol abuse, with respect to
16 their respective facilities, as agents for the facilities development
17 corporation with respect to the financing of voluntary provider not-for-
18 profit community development, and under which such commissioners and
19 directors may act as its agent, with respect to any and all duties for
20 such corporation as set forth and contained in this act. The commis-
21 sioners, the directors, and the executive director shall enter into such
22 agreements, subject to the approval of the director of the budget, which
23 delineate the respective duties of each party when such commissioners
24 and directors are designated agents of such corporation.

25 § 73. Subdivision 6 of section 5-a of section 1 of chapter 392 of the
26 laws of 1973, constituting the medical care facilities finance agency
27 act, as added by chapter 855 of the laws of 1986, is amended to read as
28 follows:

29 6. As used in this section or in connection with federally-aided mort-
30 gage loan regarding residential facilities for the mentally retarded and
31 developmentally disabled or the mentally disabled or for the care,
32 treatment, training and education of the mentally retarded and develop-
33 mentally disabled or the mentally disabled the term "commissioner" shall
34 also mean the commissioner of mental health or the commissioner of
35 [~~mental retardation and~~] the office for people with developmental disa-
36 bilities.

37 § 74. Subdivision cc of section 17-502 of the administrative code of
38 the city of New York, as added by local law number 47 of the city of New
39 York for the year 2002, is amended to read as follows:

40 cc. "Day treatment program" means a facility which is (i) licensed by
41 the state department of health or the office of alcoholism and substance
42 abuse services, the office of mental health, or the office [~~of mental~~
43 ~~retardation and~~] for people with developmental disabilities within the
44 state department of mental hygiene to provide treatment to aid in the
45 rehabilitation or recovery of its patients based on a structured envi-
46 ronment requiring patient participation for no less than three hours
47 each day; or (ii) which is authorized by the state commissioner of
48 health to conduct a program pursuant to section 80.135 of title ten of
49 the New York code of rules and regulations.

50 § 75. This act shall take effect immediately; provided however:

51 a. the amendments to clause (c) of subparagraph 4 of paragraph b of
52 subdivision 1 of section 4402 of the education law made by section thir-
53 ty-seven of this act shall not affect the expiration and reversion of
54 such clause as provided by subdivision d of section 27 of chapter 378 of
55 the laws of 2007, as amended, when upon such date the provisions of
56 section thirty-eight of this act shall take effect;

1 b. the amendments to paragraph (1) of subdivision 1 of section 364-j
2 of the social services law made by section forty-eight of this act shall
3 not affect the repeal of such section and shall be deemed repealed ther-
4 ewith;

5 c. the amendments to subdivision 4 of section 366-c of the social
6 services law made by section fifty-one of this act shall not affect the
7 expiration of such subdivision and shall be deemed to expire therewith;
8 and

9 d. section seventy of this act shall take effect on the same date as
10 the reversion of subdivision (a) of section 249 of the family court act
11 as provided in section 8 of chapter 29 of the laws of 2011, as amended.