

# STATE OF NEW YORK

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5991--A

2017-2018 Regular Sessions

## IN SENATE

May 9, 2017

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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.

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

1. The most integrated setting coordinating council is hereby created within the executive department to have and exercise the functions, powers and duties provided by the provisions of this article and any other provision of law. The council shall be comprised of the commissioners of: the department of health, the office ~~of mental retardation and~~ for people with developmental disabilities, the office of mental health, the department of transportation, the office of children and family services, the office of alcohol and substance abuse services, the department of education, and the division of housing and community renewal. In addition, the council shall consist of the director of the office for the aging, a representative from the office of the advocate for persons with disabilities, a representative from the commission on quality of care for the mentally disabled, three consumers of services for individuals with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, three individuals with expertise in the field of community services for people of all ages with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, and three individuals with expertise in or recipients of services available to senior citizens with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly.

2. The commissioners of the department of health, the office of mental health, the office ~~of mental retardation and~~ for people with developmental disabilities, and the director of the office for the aging shall rotate as chairperson of the council on a quarterly basis.

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

§ 179-aa. Advisory committee. There is hereby established a not-for-profit contracting advisory committee. The advisory committee shall consist of sixteen members which shall include eight appointed members, four to be appointed by the governor who shall be representatives of not-for-profit organizations providing services in the state, and two each to be appointed by the governor upon recommendation of the temporary president of the senate and speaker of the assembly, and eight ex officio members of the committee, one each designated from the division of the budget, the department of law, the office of the state comptroller, and the education department. The governor shall also designate four members from among the following agencies: the department of state, the office of children and family services, the office of temporary and disability assistance, the department of health, the office of mental hygiene, the office ~~of mental retardation and~~ for people with developmental disabilities, and the department of labor. The governor shall designate an appointee to serve as chair of the committee. The advisory committee shall meet at least quarterly and upon its own initiative may: comment and report on the implementation and operation of the not-for-profit short-term revolving loan fund; advise the governor, comptroller and state agencies on the implementation and operation of this article; evaluate the benefits of requiring all state agencies to use standard contract language and the extent to which standard language may be 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.

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

The Leake and Watts Children's Home (Incorporated), Yonkers, New York for the financing, construction, reconstruction, improvement, renovation or otherwise for (1) a new school building for the junior high and high school vocational programs including a field house; (2) a new children's cottage and renovation and reconstruction of eight existing children's cottages to provide more efficient heating and cooling systems, more secure supervision and to increase the number of beds; (3) renovation and reconstruction of the main building to provide new electrical and plumbing systems and internal rehabilitation; and (4) renovation and reconstruction of the old school building for multiple use; subject to the approval of the commissioners of education, social services and ~~mental retardation and~~ the office for people with developmental disabilities, and subject further to the approval of the director of the budget including as to project need and project cost. Notwithstanding any other provision of law, The Leake and Watts Children's Home (Incorporated) shall have full power and authority to assign and pledge to the authority, together with any other assets so pledged, any and all property rights to, and property interests in, any and all public funds to be apportioned or otherwise made payable by the state, a political subdivision, as defined in section one hundred of the general municipal law, or any social services district in the state in an amount sufficient to make all payments required to be made by The Leake and Watts Children's Home (Incorporated) pursuant to any lease, sublease or other agreement entered into between The Leake and Watts Children's Home (Incorporated) and the authority. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the authority or upon the direction of the authority, to any trustee of any authority bond or note issued pursuant to a certificate filed with any such state or local officer by the authority pursuant to the provisions of this section. No lease, sublease or other agreement by The Leake and Watts Children's Home (Incorporated) shall be effective unless and until it is approved by or on behalf of the commissioners of education, social services and ~~mental retardation and~~ the office for people with developmental disabilities and subject further to the approval of the director of the budget including as to project need and project cost.

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

Not-for-profit members of InterAgency Council of ~~[Mental Retardation and]~~ Developmental Disabilities Agencies, Inc., for the acquisition, financing, refinancing, construction, reconstruction, renovation, development, improvement, expansion and equipping of certain educational, administrative, clinical, day program and residential facilities to be located in the state of New York. Notwithstanding any other provision of law, not-for-profit members of the InterAgency Council of ~~[Mental Retardation]~~ and Developmental Disabilities Agencies, Inc. shall have full power and authority to assign and pledge to the dormitory authority, any and all public funds to be apportioned or otherwise made payable by the United States, any agency thereof, the state, any agency thereof, a political subdivision, as defined in section one hundred of the general municipal law, any social services district in the state or any other 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 commission-  
47 er of education, the commissioner of mental health and the commissioner  
48 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.

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

1. The traumatic brain injury services coordinating council is hereby established and shall consist of the following persons or their designees: the commissioner, the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, the office of mental health, the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of social services, the state advocate for the disabled and the commission on quality of care for the mentally disabled. In addition, the council shall consist of the following persons: five persons appointed by the governor, three of whom shall be persons with traumatic brain injury and two of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the temporary president of the senate, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the speaker of the assembly, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury, one person appointed by the minority leader of the senate who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; and one person appointed by the minority leader of the assembly who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury. Of the five persons appointed by the governor, three shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years. Of the two persons appointed by the temporary president of the senate, one shall serve for a term of two years and one shall serve for a term of three years. Of the two persons appointed by the speaker of the assembly, one shall serve for a term of two years and one shall serve for a term of three years. The person appointed by the minority leader of the senate and the person appointed by the minority leader of the assembly shall serve for a term of one year. Subsequent appointments for vacancies shall be for a term of three years and shall be filled in the same manner as the original appointment.

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

(ii) Notwithstanding this subdivision and any other contrary provision of law, the commissioner may incorporate within the payment methodology described in subparagraph (i) of this paragraph payment for services provided by facilities pursuant to licensure under the mental hygiene law, provided, however, that such APG payment methodology may be phased into effect in accordance with a schedule or schedules as jointly determined by the commissioner, the commissioner of mental health, the commissioner of alcoholism and substance abuse services, and the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities.

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

(c) On and after December first, nineteen hundred ninety-seven, the 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:

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

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

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

23. The commissioner shall have primary responsibility for the development and implementation of integrated employment opportunities including short-term and intensive supported employment services and, as appropriate, long-term extended support services and shall coordinate with the commissioner of social services, the commissioner of the office of mental health and the commissioner of the office ~~[of mental retardation and]~~ for people with developmental disabilities under an integrated employment implementation plan, pursuant to article twenty-one of this chapter.

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

(i) For the purposes of this subdivision, the term "licensed school-based health, dental or mental health clinic" means a clinic that is located in a school facility of a school district or board of cooperative educational services, is operated by an entity other than the school district or board of cooperative educational services and will provide health, dental or mental health services during school hours and/or non-school hours to school-age and preschool children, and that is: (1) a health clinic approved under the provisions of chapter one hundred ninety-eight of the laws of nineteen hundred seventy-eight; or (2) another school-based health or dental clinic licensed by the department of health pursuant to article twenty-eight of the public health law; or (3) a school-based mental health clinic licensed or approved by the office of mental health pursuant to article thirty-one of the mental hygiene law; or (4) a school-based mental health clinic licensed by the office ~~[of mental retardation and]~~ for people with developmental disabilities pursuant to article sixteen of the mental hygiene law.

§ 35. Paragraphs a and c of subdivision 2 and the closing paragraph of subdivision 3 of section 1004-b of the education law, as added by chapter 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 subdi-  
48 vision 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 commis-  
54 sioner 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.

(b) Upon the written consent of the parent or guardian, and notwithstanding section three hundred seventy-two of this article, the social services official shall submit a report on such child's possible need for services after age twenty-one to the commissioner of mental health, commissioner of ~~[mental-retardation-and]~~ the office for people with developmental disabilities, commissioner of social services or commissioner of education or their designees for the development of a recommendation pursuant to section 7.37 or 13.37 of the mental hygiene law, section three hundred ninety-eight-c of this ~~[article]~~ title or subdivision ten of section four thousand four hundred three of the education law. The social services official shall determine which commissioner shall receive the report by considering the child's handicapping condition. If the social services official determines that the child will need adult services from the department and such social services official is the commissioner's designee pursuant to this subdivision and section three hundred ninety-eight-c of this ~~[article]~~ title, such social services official shall perform the services described in section three hundred ninety-eight-c of this ~~[article]~~ title.

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

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

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

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

1. "Community residential facility" means any facility operated or subject to licensure by the state which provides a supervised residence for mentally, emotionally, physically, or socially disabled persons or for persons in need of supervision or juvenile delinquents. This term includes, but is not limited to, community residences for the mentally disabled operated or licensed by the offices of mental health or ~~[mental-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.

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

1. Committee established. There is hereby established within the council a restraint and crisis intervention technique committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, the commissioner of education and the commissioner of health. The committee shall include at least two representatives of statewide and regional provider organizations that represent providers of educational and residential services to children, at least two mental health professionals who provide direct care on a regular basis to children served by the program types provided in subdivision two of this section and at least one representative of parents of children requiring special services.

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

1. The council, in accordance with section 7.43 of the mental hygiene law, shall assist the commissioner of mental health with the implementation of the children's plan, developed pursuant to chapter six hundred sixty-seven of the laws of two thousand six. State child-serving agencies involved in the development of such plan shall assist, as needed, with such plan's implementation and such agencies shall sign off on all future reports and plans. Such agencies shall include, but not be limited to, the office of mental health, the office ~~[of mental retardation and]~~ for people with developmental disabilities, the office of alcoholism and substance abuse services, the commission on quality of care and advocacy for persons with disabilities, the office of children and family services, the state education department, the department of health, and the department of probation and correctional alternatives.

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

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

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

1. The director is hereby authorized and directed, to the extent appropriations are available therefor, to develop, establish and operate training and technical assistance programs, including caregiver resource centers, caregiver networks, and other support activities, for informal caregivers throughout the state for the purposes of assisting such caregivers and improving the quality of care provided to frail and disabled persons. The director shall also make available and encourage the utilization of such training programs in consultation with the commissioner of health, the commissioner of the office of children and family services, the commissioner of mental health, and the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities.

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

6. Staff of the office of mental health and the office ~~[of mental retardation and]~~ for people with developmental disabilities may be 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 commission-  
55 er 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.

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

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

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

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

6. As used in this section or in connection with federally-aided mortgage loan regarding residential facilities for the mentally retarded and developmentally disabled or the mentally disabled or for the care, treatment, training and education of the mentally retarded and developmentally disabled or the mentally disabled the term "commissioner" shall also mean the commissioner of mental health or the commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities.

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

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

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

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