

STATE OF NEW YORK

6174

2019-2020 Regular Sessions

IN ASSEMBLY

February 28, 2019

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

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 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 finance 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
15 programs primarily engaged in providing services to people with disabilities
16 are the department of labor, office for the aging, division of
17 veterans' affairs, office of mental health, office of vocational and
18 educational services for individuals with disabilities, commission on

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

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

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

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

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

54 1. The most integrated setting coordinating council is hereby created
55 within the executive department to have and exercise the functions,
56 powers and duties provided by the provisions of this article and any

1 other provision of law. The council shall be comprised of the commis-
2 sioners of: the department of health, the office [~~of mental retardation~~
3 ~~and~~] for people with developmental disabilities, the office of mental
4 health, the department of transportation, the office of children and
5 family services, the office of alcohol and substance abuse services, the
6 department of education, and the division of housing and community
7 renewal. In addition, the council shall consist of the director of the
8 office for the aging, a representative from the office of the advocate
9 for persons with disabilities, a representative from the commission on
10 quality of care for the mentally disabled, three consumers of services
11 for individuals with disabilities, one to be appointed by the governor,
12 one to be appointed by the temporary president of the senate, and one to
13 be appointed by the speaker of the assembly, three individuals with
14 expertise in the field of community services for people of all ages with
15 disabilities, one to be appointed by the governor, one to be appointed
16 by the temporary president of the senate, and one to be appointed by the
17 speaker of the assembly, and three individuals with expertise in or
18 recipients of services available to senior citizens with disabilities,
19 one to be appointed by the governor, one to be appointed by the tempo-
20 rary president of the senate, and one to be appointed by the speaker of
21 the assembly.

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

26 § 4. Section 179-aa of the state finance law, as amended by chapter
27 292 of the laws of 2007, is amended to read as follows:

28 § 179-aa. Advisory committee. There is hereby established a not-for-
29 profit contracting advisory committee. The advisory committee shall
30 consist of sixteen members which shall include eight appointed members,
31 four to be appointed by the governor who shall be representatives of
32 not-for-profit organizations providing services in the state, and two
33 each to be appointed by the governor upon recommendation of the tempo-
34 rary president of the senate and speaker of the assembly, and eight ex
35 officio members of the committee, one each designated from the division
36 of the budget, the department of law, the office of the state comp-
37 troller, and the education department. The governor shall also designate
38 four members from among the following agencies: the department of state,
39 the office of children and family services, the office of temporary and
40 disability assistance, the department of health, the office of mental
41 hygiene, the office [~~of mental retardation and~~] for people with develop-
42 mental disabilities, and the department of labor. The governor shall
43 designate an appointee to serve as chair of the committee. The advisory
44 committee shall meet at least quarterly and upon its own initiative may:
45 comment and report on the implementation and operation of the not-for-
46 profit short-term revolving loan fund; advise the governor, comptroller
47 and state agencies on the implementation and operation of this article;
48 evaluate the benefits of requiring all state agencies to use standard
49 contract language and the extent to which standard language may be
50 effectively included in contracts with not-for-profit organizations;
51 review annually the report of the office of the state comptroller made
52 pursuant to section one hundred seventy-nine-bb of this article; and
53 propose any legislation they deem necessary to improve the fund and this
54 article. The committee shall report to the governor and the legislature
55 with recommendations on improving the contracting procedures with not-
56 for-profit organizations which receive state funds through the interme-

1 diary of municipalities. Such reports shall be due annually not later
2 than December first.

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

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

26 The commissioner shall cause the department to provide staff assist-
27 ance necessary for the efficient and effective operation of the commit-
28 tee.

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

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

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

51 Not-for-profit members of InterAgency Council of [~~Mental Retardation~~
52 ~~and~~ Developmental Disabilities Agencies, Inc., for the acquisition,
53 financing, refinancing, construction, reconstruction, renovation, devel-
54 opment, improvement, expansion and equipping of certain educational,
55 administrative, clinical, day program and residential facilities to be
56 located in the state of New York.

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

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

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

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

51 § 10. The undesignated paragraph of subdivision 1 of section 1680 of
52 the public authorities law, as amended by chapter 780 of the laws of
53 1992, is amended to read as follows:

54 The Leake and Watts Children's Home (Incorporated), Yonkers, New York
55 for the financing, construction, reconstruction, improvement, renovation
56 or otherwise for (1) a new school building for the junior high and high

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

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

37 Not-for-profit members of InterAgency Council of ~~[Mental Retardation~~
38 ~~and]~~ Developmental Disabilities Agencies, Inc., for the acquisition,
39 financing, refinancing, construction, reconstruction, renovation, devel-
40 opment, improvement, expansion and equipping of certain educational,
41 administrative, clinical, day program and residential facilities to be
42 located in the state of New York. Notwithstanding any other provision of
43 law, not-for-profit members of the InterAgency Council of ~~[Mental Retar-~~
44 ~~dation and]~~ Developmental Disabilities Agencies, Inc. shall have full
45 power and authority to assign and pledge to the dormitory authority, any
46 and all public funds to be apportioned or otherwise made payable by the
47 United States, any agency thereof, the state, any agency thereof, a
48 political subdivision, as defined in section one hundred of the general
49 municipal law, any social services district in the state or any other
50 governmental entity in an amount sufficient to make all payments
51 required to be made by such members pursuant to any lease, sublease or
52 other agreement entered into between such members and the dormitory
53 authority. All state and local officers are hereby authorized and
54 required to pay all such funds so assigned and pledged to the dormitory
55 authority or, upon the direction of the dormitory authority, to any
56 trustee of any dormitory authority bond or note issued, pursuant to a

1 certificate filed with any such state or local officer by the dormitory
2 authority pursuant to the provisions of this section.

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

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

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

43 2. to conduct and supervise activities to prevent, detect and investi-
44 gate medical assistance program fraud and abuse amongst the following:
45 the department; the offices of mental health, ~~[mental retardation and~~
46 ~~developmental disabilities]~~ alcoholism and substance abuse services,
47 temporary disability assistance, and children and family services and
48 the office for people with developmental disabilities;

49 3. to coordinate, to the greatest extent possible, activities to
50 prevent, detect and investigate medical assistance program fraud and
51 abuse amongst the following: the department; the offices of mental
52 health, ~~[mental retardation and developmental disabilities]~~ alcoholism
53 and substance abuse services, temporary disability assistance, and chil-
54 dren and family services and the office for people with developmental
55 disabilities; the commission on quality of care and advocacy for persons
56 with disabilities; the department of education; the fiscal agent

1 employed to operate the medical assistance information and payment
2 system; local governments and entities; and to work in a coordinated and
3 cooperative manner with, to the greatest extent possible, the deputy
4 attorney general for Medicaid fraud control; the welfare inspector
5 general, federal prosecutors, district attorneys within the state, the
6 special investigative unit maintained by each health insurer operating
7 within the state, and the state comptroller;

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

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

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

38 2. The council shall be comprised of twenty-one members as follows:
39 the commissioner of health, the director of the state office for the
40 aging, the commissioner of children and family services, the commis-
41 sioner of education, the commissioner of mental health and the commis-
42 sioner of [~~mental retardation and~~] the office for people with developmental
43 disabilities who shall serve ex officio and who may designate represen-
44 tatives to act on their behalf. The governor shall appoint seven other
45 members with expertise in Alzheimer's disease, other dementia or elder
46 care issues, at least two of whom shall represent not-for-profit corpo-
47 rations whose primary purpose is to provide access to experts in the
48 care of persons with Alzheimer's disease and related dementia, that are
49 part of a statewide network of not-for-profit corporations established
50 specifically to respond at the local and regional level to the needs of
51 this population and that provide family intervention services related to
52 Alzheimer's disease in order to postpone or prevent nursing home place-
53 ments of individuals with Alzheimer's disease or other dementia. Eight
54 members shall be appointed by the governor on the recommendation of the
55 legislative leaders as follows: the temporary president of the senate
56 and the speaker of the assembly shall each recommend three members to

1 the council. One of the three members recommended by the temporary pres-
2 ident and one of the three members recommended by the speaker shall be a
3 clinical or research expert in the field of dementia and one of the
4 three members appointed by each shall be a family member or caregiver of
5 a person suffering from Alzheimer's disease or other dementia. One
6 member shall be appointed on the recommendation of the minority leader
7 of the senate and one member shall be appointed on the recommendation of
8 the minority leader of the assembly. The commissioner of health and the
9 director of the office for the aging shall serve, ex officio, as
10 co-chairs of the council. Administrative duties shall be the responsi-
11 bility of the department. The members of the council shall receive no
12 compensation for their services.

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

15 17. "State early intervention service agencies" means the departments
16 of health, education and social services and the offices of mental
17 health[, ~~mental retardation and developmental disabilities~~] and [~~office~~
18 ~~of~~] alcoholism and substance abuse services and the office for people
19 with developmental disabilities.

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

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

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

41 § 2740. Traumatic brain injury program. The department shall have the
42 central responsibility for administering the provisions of this article
43 and otherwise coordinating the state's policies with respect to traum-
44 atic brain injury, in consultation with the office [~~of mental retardation~~
45 ~~and~~] for people with developmental disabilities, the office of mental
46 health, the department of education, the office of alcoholism and
47 substance abuse services, the department of social services, the office
48 of the advocate for the disabled and the commission on quality of care
49 for the mentally disabled.

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

52 1. The traumatic brain injury services coordinating council is hereby
53 established and shall consist of the following persons or their desig-
54 nees: the commissioner, the commissioner of [~~mental retardation and~~] the
55 office for people with developmental disabilities, the office of mental
56 health, the commissioner of education, the commissioner of alcoholism

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

32 § 20. Subparagraph (ii) of paragraph (e) of subdivision 2-a of section
33 2807 of the public health law, as amended by section 15 of part C of
34 chapter 58 of the laws of 2009, is amended to read as follows:

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

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

48 (c) On and after December first, nineteen hundred ninety-seven, the
49 term "general hospital", as used in this section, includes specialty
50 hospitals for persons who are developmentally disabled, licensed by the
51 office ~~[of mental retardation and]~~ for people with developmental disa-
52 bilities and which are also issued an operating certificate pursuant to
53 section twenty-eight hundred five of this article.

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

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

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

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

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

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

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

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

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

27 § 2993. Regulations. The commissioner of health, in consultation with
28 the commissioners of the office of mental health and the office ~~[of~~
29 ~~mental retardation and]~~ for people with developmental disabilities,
30 shall establish such regulations as may be necessary for the implementa-
31 tion of this article, subject to the provisions of subdivision two of
32 section two thousand nine hundred ninety-one of this article.

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

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

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

41 2. The commissioner, in consultation with the commissioners of the
42 office of mental health and the office ~~[of mental retardation and]~~ for
43 people with developmental disabilities, shall promulgate regulations
44 identifying the credentials of health care professionals qualified to
45 provide an independent determination, pursuant to subdivision three of
46 section twenty-nine hundred ninety-four-c of this article, that a
47 patient lacks decision-making capacity because of mental illness or
48 developmental disability.

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

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

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

4. Notwithstanding any other provision of this chapter or other statute, the commissioner of general services, upon the application of any state department, or a division, bureau or agency thereof, or upon the application of any state agency, may transfer to such state department, division, bureau, or agency, or state agency, the jurisdiction over any lands, including lands under water, abandoned canal lands and salt springs reservation land, upon such terms and conditions as the commissioner may deem just and proper and upon the consent of the department, or a division, bureau or agency thereof, or any state agency, already having jurisdiction over such lands and notwithstanding any other provision of this chapter or other statute, authority to give such consent is hereby conferred upon the head of any such state department, or a division, bureau or agency thereof, or any state agency; provided, however, that if the commissioner of general services determines that any such land under the jurisdiction of any state department, or a division, bureau or agency thereof, or any state agency other than a public authority or public benefit corporation is under utilized or is not being utilized in a manner consistent with the best interests of the state, such commissioner may on his own initiative, and without the application or consent referred to above but subject to the procedure and review provided in section two-a of this article, transfer the jurisdiction over such land to any other state department, or a division, bureau or agency thereof, or any other state agency other than a public authority or public benefit corporation. Should such land be under the jurisdiction of the office of mental health or the office ~~[of mental retardation and]~~ for people with developmental disabilities upon which a community residential facility for the disabled as defined in section 41.34 of the mental hygiene law exists, the commissioner of general services shall, prior to transferring the jurisdiction over such land to any other state department, or a division, bureau or agency thereof, or any other state agency other than a public authority or public benefit corporation offer such land for sale at public auction pursuant to section thirty-three of this chapter; provided, however, that the provisions of section four hundred six of the eminent domain procedure law shall apply to such property.

§ 31. Subdivisions 3 and 4 of section 30-a of the public lands law, as added by chapter 785 of the laws of 1982, are amended to read as 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

1 transferred to the jurisdiction of another state agency, shall be
2 offered for sale at public auction pursuant to section thirty-three of
3 this article; provided, however, that the provisions of section four
4 hundred six of the eminent domain procedure law shall apply to such
5 property.

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

8 23. The commissioner shall have primary responsibility for the devel-
9 opment and implementation of integrated employment opportunities includ-
10 ing short-term and intensive supported employment services and, as
11 appropriate, long-term extended support services and shall coordinate
12 with the commissioner of social services, the commissioner of the office
13 of mental health and the commissioner of the office ~~[of mental retarda-~~
14 ~~tion and]~~ for people with developmental disabilities under an integrated
15 employment implementation plan, pursuant to article twenty-one of this
16 chapter.

17 § 33. Subparagraph (i) of paragraph (j) of subdivision 1 of section
18 414 of the education law, as added by chapter 513 of the laws of 2005,
19 is amended to read as follows:

20 (i) For the purposes of this subdivision, the term "licensed school-
21 based health, dental or mental health clinic" means a clinic that is
22 located in a school facility of a school district or board of cooper-
23 ative educational services, is operated by an entity other than the
24 school district or board of cooperative educational services and will
25 provide health, dental or mental health services during school hours
26 and/or non-school hours to school-age and preschool children, and that
27 is: (1) a health clinic approved under the provisions of chapter one
28 hundred ninety-eight of the laws of nineteen hundred seventy-eight; or
29 (2) another school-based health or dental clinic licensed by the depart-
30 ment of health pursuant to article twenty-eight of the public health
31 law; or (3) a school-based mental health clinic licensed or approved by
32 the office of mental health pursuant to article thirty-one of the mental
33 hygiene law; or (4) a school-based mental health clinic licensed by the
34 office ~~[of mental retardation and]~~ for people with developmental disa-
35 bilities pursuant to article sixteen of the mental hygiene law.

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

39 a. The commissioner, in consultation with and with the agreement of
40 the commissioners of mental health, ~~[mental retardation and]~~ the office
41 for people with developmental disabilities and social services shall
42 develop a state interagency plan for the implementation of integrated
43 employment opportunities for individuals with severe disabilities,
44 including supported employment. Such plan shall be designed so as to
45 ensure that the state's integrated employment efforts, including the
46 supported employment program, are planned, developed and implemented
47 comprehensively, with roles and responsibilities of the respective agen-
48 cies well-defined. Such plan shall reflect the department's primary
49 responsibility for the development of integrated employment opportu-
50 nities for individuals with severe disabilities, including short-term
51 and intensive supported employment services, as well as appropriate
52 responsibilities for long term extended support services. Such plan
53 shall specify the role and responsibilities of each such agency in
54 assuring that:

55 c. The commissioner, in consultation with the commissioners of the
56 office of mental health, the office ~~[of mental retardation and]~~ for

1 people with developmental disabilities and the department of social
2 services, shall develop an audit protocol to verify the actual costs of
3 providing such programs.

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

8 § 35. Paragraph c and subparagraphs 1, 2 and 13 of paragraph d of
9 subdivision 5 of section 3202 of the education law, paragraph c as added
10 by chapter 66 of the laws of 1978, subparagraph 2 of paragraph c as
11 amended by section 26 of part B of chapter 57 of the laws of 2007,
12 subparagraphs 1 and 2 of paragraph d as amended by chapter 260 of the
13 laws of 1993 and subparagraph 13 of paragraph d as amended by chapter
14 273 of the laws of 1986 and renumbered by chapter 57 of the laws of
15 1993, are amended to read as follows:

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

22 (2) The school district in which each such child resided at the time
23 the office [~~of mental retardation and~~] for people with developmental
24 disabilities assumed responsibility for the support and maintenance of
25 such child shall reimburse the education department for its expenditures
26 on behalf of such child, in an amount equal to the school district basic
27 contribution as such term is defined in subdivision eight of section
28 forty-four hundred one of this chapter, for any such child admitted to a
29 state school for the retarded on or after July first, nineteen hundred
30 seventy-eight. The comptroller may deduct from any state funds which
31 become due to a school district an amount equal to the reimbursement
32 required to be made by such school district in accordance with this
33 paragraph and the amount so deducted shall not be included in the
34 approved operating expense of such district for the purpose of computing
35 the approved operating expenses pursuant to paragraph t of subdivision
36 one of section thirty-six hundred two of this chapter.

37 (1) Children who reside in an intermediate care facility for the
38 mentally retarded, other than a state operated school for the mentally
39 retarded, as defined in regulations of the office [~~of mental retardation~~
40 ~~and~~] for people with developmental disabilities, shall be admitted to
41 the public schools, except as otherwise provided in subparagraph four-
42 teen of this paragraph. The trustees or board of education of the
43 school district in which such facility is located shall receive such
44 children in the school or schools of the district for instruction and
45 for the provision of necessary related services for a compensation to be
46 fixed by the trustees or board of education, unless such trustees or
47 board of education shall establish to the satisfaction of the commis-
48 sioner of education that there are valid and sufficient reasons for
49 refusal to receive such children. Evaluation of the educational needs
50 of such children and placement in appropriate educational programs shall
51 be made in accordance with article eighty-nine of this chapter.

52 (2) A child who resides in an individualized residential alternative
53 as defined in regulations of the office [~~of mental retardation and~~] for
54 people with developmental disabilities which is located in a school
55 district other than the school district in which such child's parent or
56 person in parental relation resided at the time such child was placed in

1 an institution under the auspices of such office shall be deemed to
2 reside in an intermediate care facility for purposes of this subdivision
3 to the extent such child is enrolled in a home and community based waiv-
4 er program approved by the Health Care Financing Administration.

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

13 § 36. The opening paragraph of clause (c) of subparagraph 4 of para-
14 graph b of subdivision 1 of section 4402 of the education law, as
15 amended by chapter 378 of the laws of 2007, is amended to read as
16 follows:

17 The committee on special education, with the consent of the parent or
18 person in parental relation or the student, if he or she is over the age
19 of eighteen, shall request in writing a designee of the appropriate
20 county or state agency to participate, in accordance with guidelines
21 established by the department, in any proceeding of the committee where
22 a child is at risk of residential placement. The committee shall forward
23 a copy of any such request to the office [~~of mental retardation and~~] for
24 people with developmental disabilities and the office of mental health.
25 A designee or designees of the agency may participate in any such
26 proceeding for the purpose of making recommendations concerning the
27 appropriateness of residential placement and other programs and place-
28 ment alternatives, including, but not limited to, community support
29 services that may be available to the family. Such designee or designees
30 shall not be considered members of the committee. Such designee or
31 designees shall include, but not be limited to, representatives of any
32 agency receiving coordinated children's services initiative funding as
33 referenced in the aid to localities budget, of a local interagency coord-
34 inating body, of the social services district, the local mental health
35 agency, or health department, or of the developmental disabilities
36 service office, as appropriate. The name of such designee or designees,
37 if any, shall be made available to each committee on special education
38 in the county. In addition, with the consent of the parent or other
39 person in parental relation, the committee may confer with other appro-
40 priate providers of services to identify any services that may be of
41 benefit to the family based on the family's identification of or the
42 committee's observation of family services needs. As used in this chap-
43 ter, the term "county" means county as defined in section four thousand
44 one of this [~~article~~] title, and the term "appropriate agency" means one
45 of the following agencies:

46 § 37. The opening paragraph of clause (c) of subparagraph 4 of para-
47 graph b of subdivision 1 of section 4402 of the education law, as
48 amended by chapter 600 of the laws of 1994, is amended to read as
49 follows:

50 The committee on special education shall request in writing a designee
51 of the appropriate county or state agency to participate, in accordance
52 with guidelines established by the department, in any proceeding of the
53 committee where a child is at risk of residential placement. The commit-
54 tee shall forward a copy of any such request to the office [~~of mental~~
55 ~~retardation and~~] for people with developmental disabilities and the
56 office of mental health. A designee or designees of the agency may

1 participate in any such proceeding for the purpose of making recommenda-
2 tions concerning the appropriateness of residential placement and other
3 programs and placement alternatives, including, but not limited to,
4 community support services that may be available to the family. Such
5 designee or designees shall not be considered members of the committee.
6 Such designee or designees shall include, but not be limited to, repre-
7 sentatives of any agency receiving coordinated children's services
8 initiative funding as referenced in the aid to localities budget, of a
9 local interagency coordinating body, of the social services district,
10 the local mental health agency, or health department, or of the develop-
11 mental disabilities service office, as appropriate. The name of such
12 designee or designees, if any, shall be made available to each committee
13 on special education in the county. In addition, with the consent of the
14 parent or other person in parental relationship, the committee may
15 confer with other appropriate providers of services to identify any
16 services that may be of benefit to the family based on the family's
17 identification of or the committee's observation of family services
18 needs. As used in this chapter, the term "county" means county as
19 defined in section four thousand one of this [article] title, and the
20 term "appropriate agency" means one of the following agencies:

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

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

31 § 39. Paragraph a of subdivision 3 of section 6507 of the education
32 law, as amended by chapter 554 of the laws of 2013, is amended to read
33 as follows:

34 a. Establish standards for preprofessional and professional education,
35 experience and licensing examinations as required to implement the arti-
36 cle for each profession. Notwithstanding any other provision of law, the
37 commissioner shall establish standards requiring that all persons apply-
38 ing, on or after January first, nineteen hundred ninety-one, initially,
39 or for the renewal of, a license, registration or limited permit to be a
40 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
41 trist, psychiatrist, psychologist, licensed master social worker,
42 licensed clinical social worker, licensed creative arts therapist,
43 licensed marriage and family therapist, licensed mental health counse-
44 lor, licensed psychoanalyst, dental hygienist, licensed behavior
45 analyst, or certified behavior analyst assistant shall, in addition to
46 all the other licensure, certification or permit requirements, have
47 completed two hours of coursework or training regarding the identifica-
48 tion and reporting of child abuse and maltreatment. The coursework or
49 training shall be obtained from an institution or provider which has
50 been approved by the department to provide such coursework or training.
51 The coursework or training shall include information regarding the phys-
52 ical and behavioral indicators of child abuse and maltreatment and the
53 statutory reporting requirements set out in sections four hundred thir-
54 teen through four hundred twenty of the social services law, including
55 but not limited to, when and how a report must be made, what other
56 actions the reporter is mandated or authorized to take, the legal

1 protections afforded reporters, and the consequences for failing to
2 report. Such coursework or training may also include information regard-
3 ing the physical and behavioral indicators of the abuse of individuals
4 with mental retardation and other developmental disabilities and volun-
5 tary reporting of abused or neglected adults to the office [~~of mental~~
6 ~~retardation and~~] for people with developmental disabilities or the local
7 adult protective services unit. Each applicant shall provide the depart-
8 ment with documentation showing that he or she has completed the
9 required training. The department shall provide an exemption from the
10 child abuse and maltreatment training requirements to any applicant who
11 requests such an exemption and who shows, to the department's satisfac-
12 tion, that there would be no need because of the nature of his or her
13 practice for him or her to complete such training;

14 § 40. Subdivision b of section 6738 of the education law, as amended
15 by chapter 532 of the laws of 1999, is amended to read as follows:

16 b. Notwithstanding the provisions of subdivision a of this section,
17 supervision of a physical therapist assistant by a licensed physical
18 therapist, (i) in a residential health care facility, as defined in
19 article twenty-eight of the public health law, (ii) in a diagnostic and
20 treatment center licensed under article twenty-eight of the public
21 health law that provides, as its principal mission, services to individ-
22 uals with developmental disabilities, (iii) in a facility, as defined in
23 section 1.03 of the mental hygiene law, or (iv) under a monitored
24 program of the office [~~of mental retardation and~~] for people with devel-
25 opmental disabilities as defined in subdivision (a) of section 13.15 of
26 the mental hygiene law, shall be continuous but not necessarily on site
27 when the supervising physical therapist has determined, through evalu-
28 ation, the setting of goals and the establishment of a treatment plan,
29 that the program is one of maintenance as defined pursuant to title
30 XVIII of the federal social security act. The provisions of this subdivi-
31 sion shall not apply to the provision of physical therapy services
32 when the condition requires multiple adjustments of sequences and proce-
33 dures due to rapidly changing physiological status and/or response to
34 treatment, or to children under five years of age.

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

37 (e) work cooperatively with the commissioner of the office of mental
38 health and the commissioner of the office [~~of mental retardation and~~
39 for people with developmental disabilities to assist the commissioner of
40 education in furnishing integrated employment services to individuals
41 with severe disabilities, including the development of an integrated
42 employment implementation plan pursuant to article twenty-one of the
43 education law;

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

47 (h) in consultation with the department of education, the department
48 of health, the division for youth, the office [~~of mental retardation~~
49 ~~and~~] for people with developmental disabilities and the office of mental
50 health, establish guidelines for the acceptance by social services offi-
51 cials of notices that children in foster care are at risk of educational
52 placements, as provided for in subparagraph four of paragraph b of
53 subdivision one of section forty-four hundred two of the education law.
54 Such guidelines shall be designed to assure that the social services
55 district receiving such a notice inquire into the educational needs of
56 the child and the circumstances of the foster care placement, and to

1 assure that the social services district responds as appropriate to any
2 request by a committee on special education to participate in the
3 proceedings of the committee;

4 § 43. The opening paragraph of paragraph (c) of subdivision 1 of
5 section 122 of the social services law, as amended by chapter 214 of the
6 laws of 1998, is amended to read as follows:

7 The following persons, not described in paragraph (a) or (b) of this
8 subdivision, shall, if otherwise eligible, be eligible for safety net
9 assistance and medical assistance, except that medical assistance shall
10 be limited to care and services (not including care and services related
11 to an organ transplant procedure) necessary for the treatment of an
12 emergency medical condition as that term is defined in section 1903 of
13 the federal social security act unless and until federal financial
14 participation is available for the costs of providing medical assistance
15 provided, however, that any such person who, on the fourth day of
16 August, nineteen hundred ninety-seven was residing in a residential
17 health care facility licensed by the department of health or in a resi-
18 dential facility licensed, operated or funded by the office of mental
19 health or the office [~~of mental retardation and~~] for people with devel-
20 opmental disabilities, and was in receipt of a medical assistance
21 authorization based on a finding that he or she was a person permanently
22 residing in the United States under color of law shall, if otherwise
23 eligible, be eligible for medical assistance and provided, further, that
24 any such person who, on the fourth day of August, nineteen hundred nine-
25 ty-seven, was diagnosed as having AIDS, as defined in subdivision one of
26 section two thousand seven hundred eighty of the public health law, and
27 was in receipt of medical assistance authorization pursuant to title
28 eleven of article five of this chapter based on a finding that he or she
29 was a person permanently residing in the United States under color of
30 law shall, if otherwise eligible, be eligible for medical assistance:

31 § 44. Subdivision 1 of section 138-a of the social services law, as
32 amended by chapter 791 of the laws of 1983, is amended to read as
33 follows:

34 1. Any inconsistent provision of this chapter or other law notwith-
35 standing, the department shall be responsible for furnishing public
36 assistance and care to mentally disabled persons residing in family care
37 homes licensed by the office of mental health or the office [~~of mental~~
38 ~~retardation and~~] for people with developmental disabilities who are
39 admitted to such facilities in accordance with regulations of the office
40 which licenses the facility. However, the department may, at its option,
41 discharge such responsibility, in whole or in part, through social
42 services districts designated to act as agents of the department. While
43 so designated, a social services district shall act as agent of the
44 department and shall be entitled to reimbursement as provided in section
45 one hundred fifty-three of this [~~chapter~~] article.

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

51 2-a. Notwithstanding any inconsistent provision of subparagraph (ii)
52 of paragraph (d) of subdivision one of this section, an individual who
53 is receiving or is eligible to receive federal supplemental security
54 income payments and/or additional state payments and who is a resident
55 of a residential health care facility as defined by section twenty-eight
56 hundred one of the public health law, shall, in accordance with regu-

lations of the department, be entitled to a state payment for personal needs in the amount of fifteen dollars a month, provided, however, that on or after January first, nineteen hundred eighty-eight the state payment for personal needs for such persons shall be in the amount of twenty-five dollars a month. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, on or after January first, nineteen hundred eighty-eight, a resident of an intermediate care facility operated or issued an operating certificate by the office ~~[of mental retardation and]~~ for people with developmental disabilities or a patient of a hospital operated by the office of mental health as defined in subdivision ten of section 1.03 of the mental hygiene law who is receiving or is eligible to receive supplemental security income payments and/or additional state payments shall receive a state payment for personal needs in the amount of five dollars a month. The department is authorized to promulgate necessary regulations to provide for the time and manner for payment of such personal allowance to such individuals.

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

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

(1) "Responsible special care agency". Whichever of the following state agencies has responsibility for the special care in question: the department of health, the office of mental health, the office ~~[of mental retardation and]~~ for people with developmental disabilities, or the office of alcoholism and substance abuse services.

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

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

§ 48. Clauses (i) and (ii) of subparagraph 10 of paragraph (a) of subdivision 2, clause (ix) of paragraph b and paragraphs d, e, f, g, i, k, l and m of subdivision 7 of section 366 of the social services law, clause (i) of subparagraph 10 of paragraph (a) as added by chapter 705 of the laws of 1988, clause (ii) of subparagraph 10 of paragraph (a) as amended by chapter 855 of the laws of 1990, clause (ix) of paragraph b

1 and paragraphs d, e, f, g, i, k, l and m of subdivision 7 as amended by
2 chapter 324 of the laws of 2004, are amended to read as follows:

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

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

9 (B) for the personal expenses of a resident of an intermediate care
10 facility operated or licensed by the office [~~of mental retardation and~~
11 for people with developmental disabilities or a patient of a hospital
12 operated by the office of mental health, as defined by subdivision ten
13 of section 1.03 of the mental hygiene law, the amount of thirty-five
14 dollars per month.

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

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

21 (B) for the personal expenses of a resident of an intermediate care
22 facility operated or licensed by the office [~~of mental retardation and~~
23 for people with developmental disabilities or a patient of a hospital
24 operated by the office of mental health, as defined by subdivision ten
25 of section 1.03 of the mental hygiene law, the amount of thirty-five
26 dollars per month.

27 (ix) meet such other criteria as may be established by the commissioner
28 of health, in conjunction with the commissioner of [~~mental retardation and~~
29 the office for people with developmental disabilities, as may
30 be necessary to administer the provisions of this subdivision in an
31 equitable manner, including those criteria established pursuant to paragraph d of this subdivision.

32 d. The commissioner of health, in conjunction with the commissioner of
33 [~~mental retardation and~~ the office for people with developmental disabilities, shall establish selection criteria to ensure that participants
34 are those who are most in need and reflect an equitable geographic
35 distribution. Such selection criteria shall include, but not be limited
36 to, the imminent risk of institutionalization, the financial burden
37 imposed upon the family as a result of the child's health care needs,
38 and the level of stress within the family unit due to the unrelieved
39 burden of caring for the child at home.

40 e. Social services districts, in consultation with the office [~~of~~
41 ~~mental retardation and~~ for people with developmental disabilities,
42 shall assess the eligibility of persons in accordance with the
43 provisions of paragraph b of this subdivision, as well as the selection
44 criteria established by the commissioner of health and the commissioner
45 of [~~mental retardation and~~ the office for people with developmental
46 disabilities as required by paragraph d of this subdivision.

47 f. The commissioner of health, in conjunction with the commissioner of
48 [~~mental retardation and~~ the office for people with developmental disabilities, shall designate persons to assess the eligibility of persons
49 under consideration for participation in the waiver program. Persons
50 designated by such commissioners may include the person's physician, a
51 representative of the social services district, representative of the
52 appropriate developmental disabilities services office and such other
53 persons as the commissioners deem appropriate. The assessment shall
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1 include, but need not be limited to, an evaluation of the health,
2 psycho-social, developmental, habilitation and environmental needs of
3 the person and shall serve as the basis for the development and
4 provision of an appropriate plan of care for such person.

5 g. Prior to a person's participation in the waiver program, the office
6 ~~[of mental retardation and]~~ for people with developmental disabilities
7 shall undertake or arrange for the development of a written plan of care
8 for the provision of services consistent with the level of care deter-
9 mined by the assessment, in accordance with criteria established by the
10 commissioner of health, in consultation with the commissioner of ~~[mental~~
11 ~~retardation and]~~ the office for people with developmental disabilities.
12 Such plan of care shall be reviewed by such commissioners prior to the
13 provision of services pursuant to the waiver program.

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

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

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

29 m. Within one year of federal waiver approval, and on an annual basis
30 thereafter, until such time as the waiver program is fully implemented,
31 the commissioner of health, in conjunction with the commissioner of
32 ~~[mental retardation and]~~ the office for people with developmental disa-
33 bilities, shall report on the status of the waiver program to the gover-
34 nor and the legislature. Such report shall specify the number of chil-
35 dren participating in the waiver program, the geographic distribution of
36 those so participating, health profiles, service costs and length of
37 time the children have participated in the waiver program. The report
38 shall also provide follow-up information on children who have withdrawn
39 from the waiver program, including data on residential program place-
40 ments.

41 § 49. Subparagraph (iii) of paragraph (b) of subdivision 6 of section
42 367-a of the social services law, as amended by section 15 of part B of
43 chapter 57 of the laws of 2015, is amended to read as follows:

44 (iii) individuals who are inpatients in a medical facility who have
45 been required to spend all of their income for medical care, except
46 their personal needs allowance or residents of community based residen-
47 tial facilities licensed by the office of mental health or the office
48 ~~[of mental retardation and]~~ for people with developmental disabilities
49 who have been required to spend all of their income, except their
50 personal needs allowance;

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

54 (h) (i) Beginning January first, nineteen hundred eighty-four, one
55 hundred per centum of the amount expended for medical assistance for
56 those individuals who are eligible pursuant to section three hundred

1 sixty-six of this article as a result of a mental disability as deter-
2 mined by the commissioner in consultation with the commissioner of the
3 office of mental health and the commissioner of the office [~~of mental~~
4 ~~retardation and~~] for people with developmental disabilities and with the
5 approval of the director of the budget after first deducting therefrom
6 any federal funds properly received or to be received on account there-
7 of.

8 (ii) Notwithstanding any other provision of law to the contrary, on
9 and after the effective date of this subparagraph, the department of
10 health shall make no further recovery or recoupment of monies that were
11 advanced to local social services districts, during the period from
12 April first, nineteen hundred ninety-two to the effective date of this
13 subparagraph, to cover the medical assistance costs pursuant to this
14 paragraph for rehabilitative services for residents of community resi-
15 dences licensed or operated by the office of mental health or for the
16 office [~~of mental retardation and~~] for people with developmental disa-
17 bilities home and community based waiver services.

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

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

24 § 52. Paragraph (c) of subdivision 13 and subdivision 14 of section
25 398 of the social services law, paragraph (c) of subdivision 13 as added
26 by chapter 544 of the laws of 1982, subdivision 14 as added by chapter
27 570 of the laws of 1983, paragraph (a) of subdivision 14 as amended by
28 chapter 387 of the laws of 1999 and such subdivisions as renumbered by
29 chapter 419 of the laws of 1987, are amended to read as follows:

30 (c) When a child's report is submitted to the council on children and
31 families pursuant to this subdivision, the council shall cooperate with
32 adult service providers, such as the department of social services, the
33 office [~~of mental retardation~~] for people with and developmental disa-
34 bilities, the office of mental health and the office of vocational reha-
35 bilitation of the education department in planning and coordinating such
36 child's return to New York state for adult services. The council shall
37 arrange with the appropriate state agency for the development of a
38 recommendation of all appropriate in-state programs operated, licensed,
39 certified or authorized by such agency and which may be available when
40 such child attains the age of twenty-one. Such recommendation of all
41 programs shall be made available to the parent or guardian of such child
42 at least six months before such child attains the age of twenty-one. All
43 records, reports and information received, compiled or maintained by the
44 council pursuant to this subdivision shall be subject to the confiden-
45 tiality requirements of the department.

46 14. (a) In the case of a child who is developmentally disabled as
47 such term is defined in section 1.03 of the mental hygiene law,
48 emotionally disturbed or physically handicapped and who is receiving
49 care in a group home, agency boarding home, or any child care facility
50 operated by an authorized agency with a capacity of thirteen or more
51 children, who attains the age of eighteen and who will continue in such
52 care after the age of eighteen, or who is placed in such care after the
53 age of eighteen, the social services official shall notify the parent or
54 guardian of such child that such care will terminate when such child
55 attains the age of twenty-one provided, however, that any such child in
56 receipt of educational services and under the care and custody of a

1 local department of social services who reaches the age of twenty-one
2 during the period commencing on the first day of September and ending on
3 the thirtieth day of June shall be entitled to continue in such program
4 until the thirtieth day of June or until the termination of the school
5 year, whichever shall first occur. Such notice shall be in writing and
6 shall describe in detail the parent's or guardian's opportunity to
7 consent to having such child's name and other information forwarded in a
8 report to the commissioner of mental health, commissioner of [~~mental~~
9 ~~retardation and~~] the office for people with developmental disabilities,
10 commissioner of education or commissioner of the office of children and
11 family services or their designees for the purpose of determining wheth-
12 er such child will likely need services after the age of twenty-one and,
13 if so, recommending possible adult services.

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

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

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

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

1 children and families. All information received by the council on chil-
2 dren and families pursuant to this paragraph shall be subject to the
3 confidentiality requirements of the department.

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

7 1. "Community residential facility" means any facility operated or
8 subject to licensure by the state which provides a supervised residence
9 for mentally, emotionally, physically, or socially disabled persons or
10 for persons in need of supervision or juvenile delinquents. This term
11 includes, but is not limited to, community residences for the mentally
12 disabled operated or licensed by the ~~[offices]~~ office of mental health
13 or ~~[mental-retardation-and]~~ office for people with developmental disa-
14 bilities or by the divisions of the office of alcoholism and substance
15 abuse, agency operated boarding homes, group homes or private proprie-
16 tary homes for adults operated or licensed by the department of social
17 services, group homes operated by, contracted for or licensed by the
18 division for youth and half-way houses operated or licensed by the divi-
19 sion of substance abuse services.

20 § 54. Section 466-a of the social services law, as amended by chapter
21 405 of the laws of 1998, is amended to read as follows:

22 § 466-a. Agreements. The department shall enter into memorandums of
23 understanding with the office of mental health and the office ~~[of-mental-~~
24 ~~retardation-and]~~ for people with developmental disabilities. The memo-
25 randums with the office ~~[of-mental-retardation-and]~~ for people with
26 developmental disabilities and the office of mental health shall facili-
27 tate access by those offices to child care facilities providing transi-
28 tional care to young adults as may be necessary for those offices to
29 meet their responsibilities for monitoring the care of the young adults.

30 § 55. Subdivision 1 of section 483 of the social services law, as
31 amended by section 62 of part A of chapter 56 of the laws of 2010, is
32 amended to read as follows:

33 1. There shall be a council on children and families established with-
34 in the office of children and family services consisting of the follow-
35 ing members: the state commissioner of children and family services, the
36 commissioner of temporary and disability assistance, the commissioner of
37 mental health, the commissioner of ~~[mental-retardation-and]~~ the office
38 for people with developmental disabilities, the commissioner of the
39 office of alcoholism and substance abuse services, the commissioner of
40 education, the director of the office of probation and correctional
41 alternatives, the commissioner of health, the commissioner of the divi-
42 sion of criminal justice services, the state advocate for persons with
43 disabilities, the director of the office for the aging, the commissioner
44 of labor, and the chair of the commission on quality of care for the
45 mentally disabled. The governor shall designate the chair of the council
46 and the chief executive officer (CEO).

47 § 56. Subparagraph (i) of paragraph (a) of subdivision 3 of section
48 483-c of the social services law, as amended by section 63 of part A of
49 chapter 56 of the laws of 2010, is amended to read as follows:

50 (i) State tier III team. There is hereby established a state team
51 designated as the "tier III team", which shall consist of the chair of
52 the council, the commissioners of children and family services, mental
53 health, health, education, ~~[alcohol]~~ alcoholism and substance abuse
54 services, and ~~[mental-retardation-and]~~ the office for people with devel-
55 opmental disabilities, and the director of the office of probation and
56 correctional alternatives, or their designated representatives, and

1 representatives of families of children with emotional and/or behavioral
2 disorders. Other representatives may be added at the discretion of such
3 team.

4 § 57. Subdivision 1 of section 483-d of the social services law, as
5 amended by section 18 of part A of chapter 56 of the laws of 2010, is
6 amended to read as follows:

7 1. Committee established. There is hereby established within the
8 council an out-of-state placement committee comprised of the commission-
9 er of children and family services, the commissioner of mental health,
10 the commissioner of [~~mental retardation and~~] the office for people with
11 developmental disabilities, the commissioner of education, the commis-
12 sioner of alcoholism and substance abuse services, the commissioner of
13 health, and the director of the office of probation and correctional
14 alternatives.

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

17 1. Committee established. There is hereby established within the coun-
18 cil a restraint and crisis intervention technique committee comprised of
19 the commissioner of children and family services, the commissioner of
20 mental health, the commissioner of [~~mental retardation and~~] the office
21 for people with developmental disabilities, the commissioner of educa-
22 tion and the commissioner of health. The committee shall include at
23 least two representatives of statewide and regional provider organiza-
24 tions that represent providers of educational and residential services
25 to children, at least two mental health professionals who provide direct
26 care on a regular basis to children served by the program types provided
27 in subdivision two of this section and at least one representative of
28 parents of children requiring special services.

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

31 1. The council, in accordance with section 7.43 of the mental hygiene
32 law, shall assist the commissioner of mental health with the implementa-
33 tion of the children's plan, developed pursuant to chapter six hundred
34 sixty-seven of the laws of two thousand six. State child-serving agen-
35 cies involved in the development of such plan shall assist, as needed,
36 with such plan's implementation and such agencies shall sign off on all
37 future reports and plans. Such agencies shall include, but not be limit-
38 ed to, the office of mental health, the office [~~of mental retardation~~
39 ~~and~~] for people with developmental disabilities, the office of alcohol-
40 ism and substance abuse services, the commission on quality of care and
41 advocacy for persons with disabilities, the office of children and fami-
42 ly services, the state education department, the department of health,
43 and the department of probation and correctional alternatives.

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

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

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

54 1. The director is hereby authorized and directed, to the extent
55 appropriations are available therefor, to develop, establish and operate
56 training and technical assistance programs, including caregiver resource

1 centers, caregiver networks, and other support activities, for informal
2 caregivers throughout the state for the purposes of assisting such care-
3 givers and improving the quality of care provided to frail and disabled
4 persons. The director shall also make available and encourage the utili-
5 zation of such training programs in consultation with the commissioner
6 of health, the commissioner of the office of children and family
7 services, the commissioner of mental health, and the commissioner of
8 ~~[mental retardation and]~~ the office for people with developmental disa-
9 bilities.

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

12 6. Staff of the office of mental health and the office ~~[of mental~~
13 ~~retardation and]~~ for people with developmental disabilities may be
14 consulted about the inmate's treatment needs and may assist in providing
15 any additional treatment services determined to be clinically appropri-
16 ate to address the inmate's underlying mental abnormality or disorder.
17 Such treatment services shall be provided using professionally accepted
18 treatment protocols.

19 § 63. Paragraphs (a), (b), and (d) of subdivision 1 of section 330.20
20 of the criminal procedure law, as added by chapter 548 of the laws of
21 1980, are amended to read as follows:

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

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

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

43 § 64. Section 725.15 of the criminal procedure law, as amended by
44 chapter 7 of the laws of 2007, is amended to read as follows:

45 § 725.15 Sealing of records.

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

er of mental health or commissioner of ~~[mental retardation and]~~ the office for people with developmental disabilities, as appropriate; the case review panel; and the attorney general pursuant to section 10.05 of the mental hygiene law.

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

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

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

§ 66. Subdivision (a) of section 249 of the family court act, as separately amended by chapter 41 of the laws of 2010 and chapter 3 of the laws of 2012, is amended to read as follows:

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

§ 67. Subdivisions 2-a and 2-b of section 3 of section 1 of chapter 359 of the laws of 1968, constituting the facilities development corporation act, as added by chapter 547 of the laws of 1979, are amended to read as follows:

2-a. "Department" means the department of mental hygiene and the offices of mental health, ~~[mental retardation and developmental disabil-~~

ities] and alcoholism and substance abuse services and the office for people with 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~~] commissioner of alcoholism and substance abuse services.

§ 68. 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~~] commissioner of alcoholism and 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.

§ 69. 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.

§ 70. 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.

§ 71. 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 thir-

1 ty-six of this act shall not affect the expiration and reversion of such
2 clause as provided by subdivision d of section 27 of chapter 378 of the
3 laws of 2007, as amended, when upon such date the provisions of section
4 thirty-seven of this act shall take effect;
5 b. the amendments to paragraph (1) of subdivision 1 of section 364-j
6 of the social services law made by section forty-six of this act shall
7 not affect the repeal of such section and shall be deemed repealed ther-
8ewith; and
9 c. section sixty-six 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.