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:

Section 1. The opening paragraph of section 5-211 of the election law, as amended by chapter 265 of the laws of 2013, is amended to read as follows:

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, division of veterans' affairs, office of mental health, office of vocational and educational services for individuals with disabilities, commission on

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

LBD10184-01-9

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

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

1. Establishment. A neighborhood based initiatives oversight committee shall be established to oversee the implementation of the provisions of this article and shall consist of representatives of the following agencies or their designees, with the commissioner of the department or his or her designee serving as chairperson: the state advocate for the disabled; the director of the office for the aging; the director of the division of alcoholism and alcohol abuse; the executive director of the council on children and families; the chancellor of the city university of New York; the executive director of the developmental disabilities action planning council; the director of the budget; the commissioner of economic development; the commissioner of education; the commissioner of health; the commissioner of housing and community renewal; the commissioner of labor; the commissioner of mental health; the commissioner of [~~mental retardation and~~] the office for people with developmental disabilities; the commissioner of parks, recreation and historic preservation; the chancellor of the state university of New York; the director of the division of substance abuse services; the director of the division for youth; the director of the division for women; and the department of audit and control.

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

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

other provision of law. The council shall be comprised of the commissioners of: the department of health, the office [~~of mental retardation and~~] for people with developmental disabilities, the office of mental health, the department of transportation, the office of children and family services, the office of alcohol and substance abuse services, the department of education, and the division of housing and community renewal. In addition, the council shall consist of the director of the office for the aging, a representative from the office of the advocate for persons with disabilities, a representative from the commission on quality of care for the mentally disabled, three consumers of services for individuals with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, three individuals with expertise in the field of community services for people of all ages with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly, and three individuals with expertise in or recipients of services available to senior citizens with disabilities, one to be appointed by the governor, one to be appointed by the temporary president of the senate, and one to be appointed by the speaker of the assembly.

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

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

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

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

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

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

The commissioner shall cause the department to provide staff assistance necessary for the efficient and effective operation of the committee.

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

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

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

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

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

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

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

Ferncliff Manor as a not-for-profit residential school serving children who are severely mentally disabled and medically involved, who will also on a not-for-profit basis operate an intermediate care facility, for the financing, construction, reconstruction, improvement, renovation and development of five twelve bed dormitories in Westchester County for such children, subject to the approval of the commissioners of education, social services, and [~~mental retardation and~~] the office for people with developmental disabilities, and subject further to the approval of the director of the budget as to project need and project cost. Except to the extent otherwise prohibited by law, Ferncliff Manor shall have full power and authority to assign and pledge to the authority, together with any pledge of its own assets and other income, any and all public funds to be apportioned or otherwise made payable by the state, a political subdivision, as defined in section one hundred of the general municipal law, or any social services district in the state in an amount sufficient to make all payments required to be made by Ferncliff Manor pursuant to any lease, sublease or other agreement entered into between Ferncliff Manor and the authority. All state and local officers are hereby authorized and required to pay all such funds so assigned and pledged to the authority or upon the direction of the authority, to any trustee of any authority bond or note issued pursuant to a certificate filed with any such state or local officer by the authority pursuant to the provisions of this section. No agreement or lease by Ferncliff Manor shall be effective unless and until it is approved by or on behalf of the commissioners of education, social services, and [~~mental retardation and~~] the office for people with developmental disabilities, and subject further to the approval of the director of the budget as to project need and project cost.

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

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

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

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

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

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

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

3. This section shall not apply to: (a) contracts entered into for the issuance of commercial paper or bonded indebtedness, other than contracts with the state providing for the payment of debt service subject to an appropriation; (b) contracts entered into by an entity established under article [~~ten-c~~] **ten-C** of [~~the public authorities law~~] **this chapter** that are for: (i) projects approved by the department of health or the public health council in accordance with articles twenty-eight, thirty-six or forty of the public health law or article seven of the social services law; (ii) projects approved by 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 in accordance with articles sixteen, thirty-one, or thirty-two of the mental hygiene law; (iii) services, affiliations or joint ventures for the provision or administration of health care services or scientific research; (iv) payment for direct health care services or goods used in the provision of health care services; or (v) participation in group purchasing arrangements; (c) contracts entered into for the procurement of goods, services or both goods and services made to meet emergencies arising from unforeseen causes or to effect repairs to critical infrastructure that are necessary to avoid a delay in the delivery of critical services that could compromise the public welfare; (d) contracts of purchase or sale of energy, electricity or ancillary services made by an authority on a recognized market for goods, services, or commodities in question in accordance with standard terms and conditions of purchase or sale at a market price; (e) contracts for the purchase, sale or delivery of power or energy, fuel, costs and services ancillary thereto, or financial products related thereto, with a term of less than five years; and (f) contracts for the sale or delivery of power or energy and costs and services ancillary thereto for economic development purposes pursuant to title one of article five of this chapter or article six of the economic development law, provided, however, that the authority shall file copies of any such contract with the comptroller within sixty days after the execution of such contract.

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

2. to conduct and supervise activities to prevent, detect and investigate medical assistance program fraud and abuse amongst the following: the department; the offices of mental health, [~~mental retardation and developmental disabilities,~~] alcoholism and substance abuse services, temporary disability assistance, and children and family services **and the office for people with developmental disabilities**;

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

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

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

§ 34. Transfer of employees. Upon the transfer of the medical assistance program audit and fraud and abuse prevention functions from the department and the offices of mental health, [~~mental retardation and developmental disabilities,~~] alcoholism and substance abuse services, temporary disability assistance, and children and family services **and the office for people with developmental disabilities** to the office within the department pursuant to section thirty-one of this title, provision shall be made for the transfer of necessary officers and employees who are substantially engaged in the performance of the function to be transferred, and any documents and records necessary and related to the transfer of such functions. The heads of the departments or agencies from which such function is to be transferred and the inspector shall confer to determine the officers and employees who are substantially engaged in the medical assistance program audit and fraud and abuse prevention function to be transferred. In accordance with subdivision two of section seventy of the civil service law, officers and employees so transferred shall be transferred without further examination or qualification to the same or similar titles and shall remain in the same collective bargaining unit and shall retain their respective civil service classification, status and rights pursuant to their collective bargaining unit and collective bargaining agreement. Notwithstanding the office's regional operations, all office employees shall be co-located, to the greatest extent practicable. The inspector shall have sole responsibility for establishing methods of administration for the office.

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

2. The council shall be comprised of twenty-one members as follows: the commissioner of health, the director of the state office for the aging, the commissioner of children and family services, the commissioner of education, the commissioner of mental health and the commissioner of [~~mental retardation and~~] **the office for people with** developmental disabilities who shall serve ex officio and who may designate representatives to act on their behalf. The governor shall appoint seven other members with expertise in Alzheimer's disease, other dementia or elder care issues, at least two of whom shall represent not-for-profit corporations whose primary purpose is to provide access to experts in the care of persons with Alzheimer's disease and related dementia, that are part of a statewide network of not-for-profit corporations established specifically to respond at the local and regional level to the needs of this population and that provide family intervention services related to Alzheimer's disease in order to postpone or prevent nursing home placements of individuals with Alzheimer's disease or other dementia. Eight members shall be appointed by the governor on the recommendation of the legislative leaders as follows: the temporary president of the senate and the speaker of the assembly shall each recommend three members to

the council. One of the three members recommended by the temporary president and one of the three members recommended by the speaker shall be a clinical or research expert in the field of dementia and one of the three members appointed by each shall be a family member or caregiver of a person suffering from Alzheimer's disease or other dementia. One member shall be appointed on the recommendation of the minority leader of the senate and one member shall be appointed on the recommendation of the minority leader of the assembly. The commissioner of health and the director of the office for the aging shall serve, ex officio, as co-chairs of the council. Administrative duties shall be the responsibility of the department. The members of the council shall receive no compensation for their services.

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

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

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

4. Notwithstanding any other provision of law, the commissioner, pursuant to a memorandum of understanding with the commissioner of the office [~~of mental retardation and~~] **for people with** developmental disabilities, shall develop and submit a medicaid home and community based services waiver, pursuant to section 1915c of the social security act, for the purpose of creating a waiver program to provide and finance services for children who qualify for the early intervention program. In further establishing eligibility criteria under the waiver program, the commissioner, in conjunction with the commissioner of the office [~~of mental retardation and~~] **for people with** developmental disabilities, shall establish health, developmental and psycho-social criteria which shall permit the broadest eligibility based on criteria for the early intervention program and federal standards for participation in a waiver program. The waiver application shall be submitted pursuant to section 1915c of the social security act no later than January first, two thousand four.

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

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

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

1. The traumatic brain injury services coordinating council is hereby established and shall consist of the following persons or their designees: the commissioner, the commissioner of [~~mental retardation and~~] **the office for people with** developmental disabilities, the office of mental health, the commissioner of education, the commissioner of alcoholism

and substance abuse services, the commissioner of social services, the state advocate for the disabled and the commission on quality of care for the mentally disabled. In addition, the council shall consist of the following persons: five persons appointed by the governor, three of whom shall be persons with traumatic brain injury and two of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the temporary president of the senate, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; two persons appointed by the speaker of the assembly, one of whom shall be a person with traumatic brain injury and one of whom shall be representative of the public and have a demonstrated expertise and interest in traumatic brain injury, one person appointed by the minority leader of the senate who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury; and one person appointed by the minority leader of the assembly who shall be a person with traumatic brain injury or be representative of the public and have a demonstrated expertise and interest in traumatic brain injury. Of the five persons appointed by the governor, three shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years. Of the two persons appointed by the temporary president of the senate, one shall serve for a term of two years and one shall serve for a term of three years. Of the two persons appointed by the speaker of the assembly, one shall serve for a term of two years and one shall serve for a term of three years. The person appointed by the minority leader of the senate and the person appointed by the minority leader of the assembly shall serve for a term of one year. Subsequent appointments for vacancies shall be for a term of three years and shall be filled in the same manner as the original appointment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. "Mental hygiene facility" means a residential facility operated or licensed by the office of mental health or the office [~~of mental retardation and~~] for people with developmental disabilities.

§ 30. Subdivision 4 of section 3 of the public lands law, as amended 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

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.

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

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

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

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

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

a. The commissioner, in consultation with and with the agreement of the commissioners of mental health, [~~mental retardation and~~] the office for people with developmental disabilities and social services shall develop a state interagency plan for the implementation of integrated employment opportunities for individuals with severe disabilities, including supported employment. Such plan shall be designed so as to ensure that the state's integrated employment efforts, including the supported employment program, are planned, developed and implemented comprehensively, with roles and responsibilities of the respective agencies well-defined. Such plan shall reflect the department's primary responsibility for the development of integrated employment opportunities for individuals with severe disabilities, including short-term and intensive supported employment services, as well as appropriate responsibilities for long term extended support services. Such plan shall specify the role and responsibilities of each such agency in assuring that:

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

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

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

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

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

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

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

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

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

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

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

The committee on special education, with the consent of the parent or person in parental relation or the student, if he or she is over the age of eighteen, shall request in writing a designee of the appropriate county or state agency to participate, in accordance with guidelines established by the department, in any proceeding of the committee where a child is at risk of residential placement. The committee shall forward a copy of any such request to the office [~~of mental retardation and~~] **for people with** developmental disabilities and the office of mental health. A designee or designees of the agency may participate in any such proceeding for the purpose of making recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including, but not limited to, community support services that may be available to the family. Such designee or designees shall not be considered members of the committee. Such designee or designees shall include, but not be limited to, representatives of any agency receiving coordinated children's services initiative funding as referenced in the aid to localities budget, of a local interagency coordinating body, of the social services district, the local mental health agency, or health department, or of the developmental disabilities service office, as appropriate. The name of such designee or designees, if any, shall be made available to each committee on special education in the county. In addition, with the consent of the parent or other person in parental relation, the committee may confer with other appropriate providers of services to identify any services that may be of benefit to the family based on the family's identification of or the committee's observation of family services needs. As used in this chapter, the term "county" means county as defined in section four thousand one of this [~~article~~] **title**, and the term "appropriate agency" means one of the following agencies:

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

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

participate in any such proceeding for the purpose of making recommendations concerning the appropriateness of residential placement and other programs and placement alternatives, including, but not limited to, community support services that may be available to the family. Such designee or designees shall not be considered members of the committee. Such designee or designees shall include, but not be limited to, representatives of any agency receiving coordinated children's services initiative funding as referenced in the aid to localities budget, of a local interagency coordinating body, of the social services district, the local mental health agency, or health department, or of the developmental disabilities service office, as appropriate. The name of such designee or designees, if any, shall be made available to each committee on special education in the county. In addition, with the consent of the parent or other person in parental relationship, the committee may confer with other appropriate providers of services to identify any services that may be of benefit to the family based on the family's identification of or the committee's observation of family services needs. As used in this chapter, the term "county" means county as defined in section four thousand one of this [~~article~~] title, and the term "appropriate agency" means one of the following agencies:

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

b. any entity operated by a New York state or federal agency, political subdivision, municipal corporation, or local government agency or unit pursuant to authority granted by law, including but not limited to any entity operated by 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 under articles seven, thirteen, and nineteen of the mental hygiene law, respectively.

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

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal

protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office [~~of mental retardation and~~] for people with developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

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

b. Notwithstanding the provisions of subdivision a of this section, supervision of a physical therapist assistant by a licensed physical therapist, (i) in a residential health care facility, as defined in article twenty-eight of the public health law, (ii) in a diagnostic and treatment center licensed under article twenty-eight of the public health law that provides, as its principal mission, services to individuals with developmental disabilities, (iii) in a facility, as defined in section 1.03 of the mental hygiene law, or (iv) under a monitored program of the office [~~of mental retardation and~~] for people with developmental disabilities as defined in subdivision (a) of section 13.15 of the mental hygiene law, shall be continuous but not necessarily on site when the supervising physical therapist has determined, through evaluation, the setting of goals and the establishment of a treatment plan, that the program is one of maintenance as defined pursuant to title XVIII of the federal social security act. The provisions of this subdivision shall not apply to the provision of physical therapy services when the condition requires multiple adjustments of sequences and procedures due to rapidly changing physiological status and/or response to treatment, or to children under five years of age.

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

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

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

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

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

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

The following persons, not described in paragraph (a) or (b) of this subdivision, shall, if otherwise eligible, be eligible for safety net assistance and medical assistance, except that medical assistance shall be limited to care and services (not including care and services related to an organ transplant procedure) necessary for the treatment of an emergency medical condition as that term is defined in section 1903 of the federal social security act unless and until federal financial participation is available for the costs of providing medical assistance provided, however, that any such person who, on the fourth day of August, nineteen hundred ninety-seven was residing in a residential health care facility licensed by the department of health or in a residential facility licensed, operated or funded by the office of mental health or the office [~~of mental retardation and~~] for people with developmental disabilities, and was in receipt of a medical assistance authorization based on a finding that he or she was a person permanently residing in the United States under color of law shall, if otherwise eligible, be eligible for medical assistance and provided, further, that any such person who, on the fourth day of August, nineteen hundred ninety-seven, was diagnosed as having AIDS, as defined in subdivision one of section two thousand seven hundred eighty of the public health law, and was in receipt of medical assistance authorization pursuant to title eleven of article five of this chapter based on a finding that he or she was a person permanently residing in the United States under color of law shall, if otherwise eligible, be eligible for medical assistance:

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

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

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

2-a. Notwithstanding any inconsistent provision of subparagraph (ii) of paragraph (d) of subdivision one of this section, an individual who is receiving or is eligible to receive federal supplemental security income payments and/or additional state payments and who is a resident of a residential health care facility as defined by section twenty-eight 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 (l) 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:

(l) "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

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

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

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

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed 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 by subdivision ten of section 1.03 of the mental hygiene law, the amount of thirty-five dollars per month.

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

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

(B) for the personal expenses of a resident of an intermediate care facility operated or licensed 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 by subdivision ten of section 1.03 of the mental hygiene law, the amount of thirty-five dollars per month.

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

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

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

f. The commissioner of health, in conjunction with the commissioner of [~~mental retardation and~~] the office for people with developmental disabilities, shall designate persons to assess the eligibility of persons under consideration for participation in the waiver program. Persons designated by such commissioners may include the person's physician, a representative of the social services district, representative of the appropriate developmental disabilities services office and such other persons as the commissioners deem appropriate. The assessment shall

include, but need not be limited to, an evaluation of the health, psycho-social, developmental, habilitation and environmental needs of the person and shall serve as the basis for the development and provision of an appropriate plan of care for such person.

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

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

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

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

m. Within one year of federal waiver approval, and on an annual basis thereafter, until such time as the waiver program is fully implemented, the commissioner of health, in conjunction with the commissioner of [~~mental retardation and~~] the office for people with developmental disabilities, shall report on the status of the waiver program to the governor and the legislature. Such report shall specify the number of children participating in the waiver program, the geographic distribution of those so participating, health profiles, service costs and length of time the children have participated in the waiver program. The report shall also provide follow-up information on children who have withdrawn from the waiver program, including data on residential program placements.

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

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

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

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

sixty-six of this article as a result of a mental disability as determined by the commissioner in consultation with the commissioner of the office of mental health and the commissioner of the office [~~of mental retardation and~~] **for people with** developmental disabilities and with the approval of the director of the budget after first deducting therefrom any federal funds properly received or to be received on account thereof.

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

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

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

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

(c) When a child's report is submitted to the council on children and families pursuant to this subdivision, the council shall cooperate with adult service providers, such as the department of social services, the office [~~of mental retardation~~] **for people with** and developmental disabilities, the office of mental health and the office of vocational rehabilitation of the education department in planning and coordinating such child's return to New York state for adult services. The council shall arrange with the appropriate state agency for the development of a recommendation of all appropriate in-state programs operated, licensed, certified or authorized by such agency and which may be available when such child attains the age of twenty-one. Such recommendation of all programs shall be made available to the parent or guardian of such child at least six months before such child attains the age of twenty-one. All records, reports and information received, compiled or maintained by the council pursuant to this subdivision shall be subject to the confidentiality requirements of the department.

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

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

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

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

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

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

children and families. All information received by the council on children and families pursuant to this paragraph shall be subject to the confidentiality requirements of the department.

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

1. "Community residential facility" means any facility operated or subject to licensure by the state which provides a supervised residence for mentally, emotionally, physically, or socially disabled persons or for persons in need of supervision or juvenile delinquents. This term includes, but is not limited to, community residences for the mentally disabled operated or licensed by the [~~offices~~] office of mental health or [~~mental retardation and~~] office for people with developmental disabilities or by the divisions of the office of alcoholism and substance abuse, agency operated boarding homes, group homes or private proprietary homes for adults operated or licensed by the department of social services, group homes operated by, contracted for or licensed by the division for youth and half-way houses operated or licensed by the division of substance abuse services.

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

§ 466-a. Agreements. The department shall enter into memorandums of understanding with the office of mental health and the office [~~of mental retardation and~~] for people with developmental disabilities. The memorandums with the office [~~of mental retardation and~~] for people with developmental disabilities and the office of mental health shall facilitate access by those offices to child care facilities providing transitional care to young adults as may be necessary for those offices to meet their responsibilities for monitoring the care of the young adults.

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

1. There shall be a council on children and families established within the office of children and family services consisting of the following members: the state commissioner of children and family services, the commissioner of temporary and disability assistance, the commissioner of mental health, the commissioner of [~~mental retardation and~~] the office for people with developmental disabilities, the commissioner of the office of alcoholism and substance abuse services, the commissioner of education, the director of the office of probation and correctional alternatives, the commissioner of health, the commissioner of the division of criminal justice services, the state advocate for persons with disabilities, the director of the office for the aging, the commissioner of labor, and the chair of the commission on quality of care for the mentally disabled. The governor shall designate the chair of the council and the chief executive officer (CEO).

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

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

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

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

1. Committee established. There is hereby established within the council an out-of-state placement committee comprised of the commissioner of children and family services, the commissioner of mental health, the commissioner of [~~mental retardation and~~] **the office for people with** developmental disabilities, the commissioner of education, the commissioner of alcoholism and substance abuse services, the commissioner of health, and the director of the office of probation and correctional alternatives.

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

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

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

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

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

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

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

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

centers, caregiver networks, and other support activities, for informal caregivers throughout the state for the purposes of assisting such caregivers and improving the quality of care provided to frail and disabled persons. The director shall also make available and encourage the utilization of such training programs in consultation with the commissioner of health, the commissioner of the office of children and family services, the commissioner of mental health, and the commissioner of [~~mental retardation and~~] **the office for people with** developmental disabilities.

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

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

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

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

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

(d) "Mentally ill" means that a defendant currently suffers from a mental illness for which care and treatment as a patient, in the in-patient services of a psychiatric center under the jurisdiction of the state office of mental health, is essential to such defendant's welfare and that his judgment is so impaired that he is unable to understand the need for such care and treatment; and, where a defendant is mentally retarded, the term "mentally ill" shall also mean, for purposes of this section, that the defendant is in need of care and treatment as a resident in the in-patient services of a developmental center or other residential facility for the mentally retarded and developmentally disabled under the jurisdiction of the state office [~~of mental retardation and~~] **for people with** developmental disabilities.

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

§ 725.15 Sealing of records.

Except where specifically required or permitted by statute or upon specific authorization of the court that directed removal of an action to the family court all official records and papers of the action up to and including the order of removal, whether on file with the court, a police agency or the division of criminal justice services, are confidential and must not be made available to any person or public or private agency, provided however that availability of copies of any such records and papers on file with the family court shall be governed by provisions that apply to family court records, and further provided that all official records and papers of the action shall be included in those 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-

ty-six of this act shall not affect the expiration and reversion of such clause as provided by subdivision d of section 27 of chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section thirty-seven of this act shall take effect;

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

c. section sixty-six of this act shall take effect on the same date as the reversion of subdivision (a) of section 249 of the family court act as provided in section 8 of chapter 29 of the laws of 2011, as amended.