

# STATE OF NEW YORK

10139

## IN ASSEMBLY

May 2, 2022

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

AN ACT in relation to establishing a temporary commission to study aging in place in mental health housing; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. 1. A temporary commission shall be established within the  
2 office of mental health to be known as the mental health housing evalu-  
3 ation commission for aging in place (hereinafter referred to as the  
4 "commission") to make recommendations including, but not limited to, the  
5 following:
- 6 (a) solutions for removing barriers to ensure residents of community-  
7 based mental health housing programs can successfully age in place while  
8 receiving adequate care;
  - 9 (b) identifying policy, procedure, or regulatory changes that aim to  
10 remove barriers to residents of community-based mental health housing  
11 programs to receive both mental health and medical care, including the  
12 ability to hire health care professionals, including but not limited to  
13 nurses and/or health home aides;
  - 14 (c) an action plan for making residences American Disability Act  
15 compliant;
  - 16 (d) necessary training for residential staff to understand the needs  
17 of the elderly for which they are providing care; and
  - 18 (e) types of assistance to consider when transporting residents to  
19 medical appointments and ensuring the proper follow-up occurs.
- 20 2. The commission shall consist of nine members as follows: three  
21 members shall be appointed by the governor; two members shall be  
22 appointed by the speaker of the assembly; two members shall be appointed  
23 by the temporary president of the senate; one member shall be appointed  
24 by the minority leader of the senate; and one member shall be appointed  
25 by the minority leader of the assembly. The commission members shall be  
26 appointed within 60 days after this act shall have become a law.

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

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1 Members so appointed shall consist of at least: one representative of  
2 a statewide organization or advocacy group for residents of mental  
3 health housing programs; at least one health care professional with  
4 expertise in the needs of the elderly/aging residents of a congregate  
5 care setting with significant medical issues; at least one mental health  
6 professional with expertise in the needs of elderly mental health hous-  
7 ing residents with a severe and persistent mental illness; and at least  
8 one member shall be a director of a mental health housing program. A  
9 chairperson shall be nominated by a majority vote from among the members  
10 of the commission.

11 3. No member, officer or employee of the commission shall be disquali-  
12 fied from holding any other public office or employment, nor shall he or  
13 she forfeit any such office or employment by reason of his or her  
14 appointment hereunder, notwithstanding the provisions of any general,  
15 special, or local law, ordinance or city charter.

16 4. The members of the commission shall receive no compensation for  
17 their services but shall be allowed their actual and necessary expenses  
18 incurred in the performance of their duties hereunder. The commission  
19 shall meet at least three times, or more if deemed necessary, at the  
20 call of the chairperson to fulfill its duties.

21 5. The commission shall make a report of its findings, including any  
22 recommendations required pursuant to subdivision one of this section as  
23 well as any legislative or budgetary initiatives as it may deem neces-  
24 sary and appropriate. Such report shall be provided to the governor and  
25 the legislature no later than twelve months after this act shall have  
26 become a law.

27 § 2. This act shall take effect immediately and shall expire and be  
28 deemed repealed thirty days after the report required pursuant to subdivi-  
29 sion five of section one of this act has been presented to the legis-  
30 lature; provided, further, that the commissioner of mental health shall  
31 notify the legislative bill drafting commission upon the submission of  
32 the report required by subdivision five of section one of this act to  
33 the legislature, in order that the commission may maintain an accurate  
34 and timely effective data base of the official text of the laws of the  
35 state of New York in furtherance of effectuating the provisions of  
36 section 44 of the legislative law and section 70-b of the public offi-  
37 cers law.