STATE OF NEW YORK

3952

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

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

AN ACT to amend the mental hygiene law, in relation to providing waivers of certain rules and regulations to promulgate collaboration by mental health providers

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

Section 1. Subdivision (a) of section 7.15 of the mental hygiene law, as amended by section 3 of part I of chapter 58 of the laws of 2005, is amended to read as follows:

(a) The commissioner shall plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services of prevention, diagnosis, examination, care, treatment, rehabilitation, training, and research for the benefit of the mentally ill. Such programs shall include but not be limited to in-patient, out-patient, partial hospitalization, day care, emergency, rehabilitative, and other appropriate treatments and services **provided, however, that the commissioner, in conjunction with the commissioner of the office for people with developmental disabilities, shall be authorized to waive rules and regulations of the office of mental health and of the department of health, respectively, to address barriers to collaboration by mental health providers and providers of home care services under this section, including barriers related to medical assistance reimbursement, service procedures, care coordination and direct care worker training applicable to such providers, provided further that regulations pertaining to patient safety may not be waived, nor shall any regulations be waived if such waiver would risk patient safety**. He or she shall take all actions that are necessary, desirable, or proper to implement the purposes of this chapter and to carry out the purposes and objectives of the department within the amounts made available therefor by appropriation, grant, gift,

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

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devise, bequest, or allocation from the mental health services fund established under section ninety-seven-f of the state finance law.

§ 2. Subdivision (a) of section 13.15 of the mental hygiene law, as amended by chapter 37 of the laws of 2011, is amended to read as follows:

(a) The commissioner shall plan, promote, establish, develop, coordinate, evaluate, and conduct programs and services of prevention, diagnosis, examination, care, treatment, rehabilitation, training, and research for the benefit of individuals with developmental disabilities. Such programs shall include but not be limited to in-patient, out-patient, partial hospitalization, day care, emergency, rehabilitative, and other appropriate treatments and services **provided, however, that the commissioner, in conjunction with the commissioner of the office for people with developmental disabilities, shall be authorized to waive rules and regulations of the office of mental health and of the department of health, respectively, to address barriers to collaboration by mental health providers and providers of home care services under this section, including barriers related to medical assistance reimbursement, service procedures, care coordination and direct care worker training applicable to such providers, provided further that regulations pertaining to patient safety may not be waived, nor shall any regulations be waived if such waiver would risk patient safety**. He shall take all actions that are necessary, desirable, or proper to implement the purposes of this chapter and to carry out the purposes and objectives of the office within the amounts made available therefor by appropriation, grant, gift, devise, bequest, or allocation from the mental health services fund established under section ninety-seven-f of the state finance law.

§ 3. Subdivision (a) of section 19.15 of the mental hygiene law, as amended by chapter 208 of the laws of 1996, is amended to read as follows:

(a) With the advice of the advisory council on alcoholism and substance abuse services, and with the assistance of any interdepartmental council or committee heretofore or hereafter established that shall be charged with the responsibility for interdepartmental cooperation and program development in alcoholism, substance abuse, and chemical dependency, the commissioner shall promote, establish, coordinate, and conduct programs for prevention, diagnosis, treatment, aftercare, rehabilitation, and control in the fields of alcoholism, alcohol abuse, substance abuse, substance dependence, and chemical dependence in cooperation with such other federal, state, local, and private agencies as are necessary and, within the amount made available by appropriation therefor, implement and administer such programs **provided, however, that the commissioner, in conjunction with the commissioner of the office for people with developmental disabilities, shall be authorized to waive rules and regulations of the office of mental health and of the department of health, respectively, to address barriers to collaboration by mental health providers and providers of home care services under this section, including barriers related to medical assistance reimbursement, service procedures, care coordination and direct care worker training applicable to such providers, provided further that regulations pertaining to patient safety may not be waived, nor shall any regulations be waived if such waiver would risk patient safety**.

§ 4. This act shall take effect immediately.