

# 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 Assem-  
bly, do enact as follows:

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

4 (a) The commissioner shall plan, promote, establish, develop, coordi-  
5 nate, evaluate, and conduct programs and services of prevention, diagno-  
6 sis, examination, care, treatment, rehabilitation, training, and  
7 research for the benefit of the mentally ill. Such programs shall  
8 include but not be limited to in-patient, out-patient, partial hospital-  
9 ization, day care, emergency, rehabilitative, and other appropriate  
10 treatments and services provided, however, that the commissioner, in  
11 conjunction with the commissioner of the office for people with develop-  
12 mental disabilities, shall be authorized to waive rules and regulations  
13 of the office of mental health and of the department of health, respec-  
14 tively, to address barriers to collaboration by mental health providers  
15 and providers of home care services under this section, including barri-  
16 ers related to medical assistance reimbursement, service procedures,  
17 care coordination and direct care worker training applicable to such  
18 providers, provided further that regulations pertaining to patient safe-  
19 ty may not be waived, nor shall any regulations be waived if such waiver  
20 would risk patient safety. He or she shall take all actions that are  
21 necessary, desirable, or proper to implement the purposes of this chap-  
22 ter and to carry out the purposes and objectives of the department with-  
23 in 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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1 devise, bequest, or allocation from the mental health services fund  
2 established under section ninety-seven-f of the state finance law.

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

6 (a) The commissioner shall plan, promote, establish, develop, coordi-  
7 nate, evaluate, and conduct programs and services of prevention, diagno-  
8 sis, examination, care, treatment, rehabilitation, training, and  
9 research for the benefit of individuals with developmental disabilities.  
10 Such programs shall include but not be limited to in-patient, out-pa-  
11 tient, partial hospitalization, day care, emergency, rehabilitative, and  
12 other appropriate treatments and services provided, however, that the  
13 commissioner, in conjunction with the commissioner of the office for  
14 people with developmental disabilities, shall be authorized to waive  
15 rules and regulations of the office of mental health and of the depart-  
16 ment of health, respectively, to address barriers to collaboration by  
17 mental health providers and providers of home care services under this  
18 section, including barriers related to medical assistance reimbursement,  
19 service procedures, care coordination and direct care worker training  
20 applicable to such providers, provided further that regulations pertain-  
21 ing to patient safety may not be waived, nor shall any regulations be  
22 waived if such waiver would risk patient safety. He shall take all  
23 actions that are necessary, desirable, or proper to implement the  
24 purposes of this chapter and to carry out the purposes and objectives of  
25 the office within the amounts made available therefor by appropriation,  
26 grant, gift, devise, bequest, or allocation from the mental health  
27 services fund established under section ninety-seven-f of the state  
28 finance law.

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

32 (a) With the advice of the advisory council on alcoholism and  
33 substance abuse services, and with the assistance of any interdepart-  
34 mental council or committee heretofore or hereafter established that  
35 shall be charged with the responsibility for interdepartmental cooper-  
36 ation and program development in alcoholism, substance abuse, and chemi-  
37 cal dependency, the commissioner shall promote, establish, coordinate,  
38 and conduct programs for prevention, diagnosis, treatment, aftercare,  
39 rehabilitation, and control in the fields of alcoholism, alcohol abuse,  
40 substance abuse, substance dependence, and chemical dependence in coop-  
41 eration with such other federal, state, local, and private agencies as  
42 are necessary and, within the amount made available by appropriation  
43 therefor, implement and administer such programs provided, however, that  
44 the commissioner, in conjunction with the commissioner of the office for  
45 people with developmental disabilities, shall be authorized to waive  
46 rules and regulations of the office of mental health and of the depart-  
47 ment of health, respectively, to address barriers to collaboration by  
48 mental health providers and providers of home care services under this  
49 section, including barriers related to medical assistance reimbursement,  
50 service procedures, care coordination and direct care worker training  
51 applicable to such providers, provided further that regulations pertain-  
52 ing to patient safety may not be waived, nor shall any regulations be  
53 waived if such waiver would risk patient safety.

54 § 4. This act shall take effect immediately.