STATE OF NEW YORK

4837

2021-2022 Regular Sessions

IN ASSEMBLY

February 8, 2021

Introduced by M. of A. DE LA ROSA, GUNTHER, REYES -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to establishing the division for mental health treatment equity

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

Section 1. The mental hygiene law is amended by adding a new section 7.49 to read as follows:

§ 7.49 The division for mental health treatment equity.

(a) Definitions. As used in this section:

(1) "division" shall mean the division for mental health treatment equity created pursuant to this section which shall consist of a full time director and any additional full or part time staff the commissioner deems necessary to effectuate the provisions of this section.

(2) "council" shall mean the advisory council to the division, created pursuant to subdivision (c) of this section.

(3) "vulnerable populations" shall mean those who have experienced injustices and disadvantages as a result of their race, ethnicity, sexual orientation, gender identity, disability status, age, military status, socioeconomic status and/or any other status which has caused a person to experience injustices and disadvantages.

(4) "racially and ethnically diverse areas" shall mean counties where the non-white population is forty percent or more or the service area of a mental health provider of services where the non-white population of said area is forty percent or more.

(5) "provider of services" shall have the same meaning as defined pursuant to subdivision five of section 1.03 of this chapter and provides mental health services to vulnerable populations.

(6) "treatment disparities" shall mean measurable differences in access to and quality of mental health services as determined by race,

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

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ethnicity, sexual orientation, gender identity, disability status, age, military status, and socioeconomic status.

(7) "treatment equity" shall mean achieving the highest level of mental health services for all people and shall entail focused efforts to address avoidable inequalities by equalizing those conditions for mental health services for those that have experienced injustices and socioeconomic disadvantages.

(b) The division for mental health treatment equity. There is hereby created a division for mental health treatment equity. The division, in conjunction with the council, shall have the following powers and duties:

(1) to work collaboratively with the office, other relevant state agencies and affected stakeholders, including, but not limited to, providers and representatives of vulnerable populations, in order to set priorities to achieve treatment equity in both racial and ethnically diverse areas and for vulnerable populations throughout the state;

(2) to analyze collected data to determine the causes of treatment disparities in both racially and ethnically diverse areas and for vulnerable populations throughout the state, including any economic, physical, social or cultural barriers;

(3) to develop and implement strategies aimed at achieving treatment equity in racially and ethnically diverse areas and among vulnerable populations;

(4) to promote community involvement by conducting promotional and educational outreach programs regarding mental illness and available services;

(5) to review the impact of current laws, rules, regulations, policies and programs that may be affecting the ability to achieve treatment equity; and

(6) to assist the office, where appropriate, in meeting its responsibilities pursuant to subdivision (g) of section 7.07 of this article.

(c) The advisory council on mental health treatment equity. (1) The council shall consist of twelve members. All members shall be appointed by the governor, with three members appointed upon recommendation from the temporary president of the senate and three members appointed upon recommendation from the speaker of the assembly. The chairperson of the council shall be the commissioner or his or her designee.

(2) The members of the council shall be from the community with expertise in conducting mental health services. In making such appointments, due consideration shall be given to ensuring adequate statewide geographic representation, including rural communities.

(3) The term of office for each member of the council shall be six years. Vacancies on the council, other than by expiration of a term, shall be filled for the remainder of the unexpired term in the same manner as original appointments.

(4) The members of the council shall receive no compensation for their services, but shall be reimbursed for all expenses actually and necessarily incurred in the performance of their duties under this section within the amount made available by appropriation therefor.

(d) Comprehensive plan. The division in collaboration with the council shall provide recommendations on matters within the scope of its powers and duties as set forth in this section to the office for the purpose of formulating its statewide comprehensive plan pursuant to section 5.07 of this chapter.

§ 2. This act shall take effect on April 1, 2022.