

# STATE OF NEW YORK

7381--A

2021-2022 Regular Sessions

## IN ASSEMBLY

May 6, 2021

Introduced by M. of A. ABINANTI, BURDICK, ZINERMAN -- read once and referred to the Committee on People with Disabilities -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to requiring the developmental disabilities advisory council to produce a report evaluating the state's response to the COVID-19 state disaster emergency as it relates to individuals with intellectual or developmental disabilities; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Section 13.05 of the mental hygiene law is amended by  
2 adding a new subdivision (g) to read as follows:

3 (g) The developmental disabilities advisory council shall produce a  
4 report to review the impact and the state's response to the COVID-19  
5 state disaster emergency, as declared by executive order two hundred two  
6 of two thousand twenty, as it relates to individuals with intellectual  
7 or developmental disabilities. The office and the department of health  
8 shall provide technical assistance and access to data as is required for  
9 the council to effectuate such review and produce such report. The  
10 report shall include, but not be limited to:

11 (i) a timeline and inventory of any and all relevant executive orders,  
12 guidance and regulations put forth by the department of health, the  
13 office, the executive or any other agency between March first, two thou-  
14 sand twenty and April first, two thousand twenty-one in response to the  
15 COVID-19 outbreak;

16 (ii) a timeline of any outreach conducted by the office with stake-  
17 holders, including self-advocates, family advocates and voluntary

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

LBD10522-07-1

1 providers and what, if any, changes to guidance were made as a result of  
2 such communication with stakeholders;

3 (iii) any actions or guidance the office, the department of health  
4 and/or any other agency took to minimize exposure of COVID-19 between  
5 residents and staff;

6 (iv) an inventory of actions the office, the department of health  
7 and/or any other agency took to assist in the procurement or provision-  
8 ing of personal protective equipment for residents and staff in state  
9 operated facilities, and facilities operated by voluntary providers. For  
10 purposes of this section, "personal protective equipment" shall mean all  
11 equipment worn or used to minimize exposure to a communicable disease,  
12 including but not limited to gloves, masks and face shields;

13 (v) an inventory of costs incurred by the office related to respond-  
14 ing to COVID-19;

15 (vi) an inventory of actions the office, the department of health  
16 and/or any other agency took to assist underserved communities including  
17 but not limited to racial and ethnic minority communities; and

18 (vii) specific challenges that were faced with regards to individuals  
19 with intellectual and developmental disabilities.

20 (2) The developmental disabilities advisory council shall also evalu-  
21 ate policies, procedures, and programs that were implemented during the  
22 course of the COVID-19 pandemic to determine the efficacy on safety.

23 (3) The developmental disabilities advisory council shall provide  
24 recommendations of changes to any laws or regulations that impeded  
25 response to COVID-19 to the legislature.

26 (4) Such report shall be submitted to the governor, the temporary  
27 president of the senate and the speaker of the assembly no later than  
28 nine months from the effective date of this subdivision and shall be  
29 made publicly available online.

30 § 2. This act shall take effect immediately and shall expire and be  
31 deemed repealed ten days after transmission of the report of the find-  
32 ings by the developmental disabilities advisory council to the governor,  
33 the temporary president of the senate and the speaker of the assembly,  
34 as provided in section one of this act. Provided, however, that the  
35 commissioner of the office for people with developmental disabilities  
36 shall notify the legislative bill drafting commission upon the trans-  
37 mission of the report of the findings of the office for people with  
38 developmental disabilities, as provided in section one of this act, in  
39 order that the commission may maintain an accurate and timely effective  
40 data base of the official text of the laws of the state of New York in  
41 furtherance of effectuating the provisions of section 44 of the legisla-  
42 tive law and section 70-b of the public officers law.