

# STATE OF NEW YORK

9162

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing the  
statewide group home families working group

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

1 Section 1. Section 13.03 of the mental hygiene law is amended by  
2 adding a new subdivision 3 to read as follows:

3 3. "group home" means a community residence serving people with devel-  
4 opmental disabilities.

5 § 2. The mental hygiene law is amended by adding a new section 13.05-a  
6 to read as follows:

7 § 13.05-a Statewide group home families working group.

8 (a) There is hereby established a statewide group home families work-  
9 ing group. The statewide group home families working group shall consist  
10 of twenty members selected, in consultation with the commissioner, from  
11 among qualified applicants or nominees as follows:

12 1. Seven members selected by the temporary president of the senate;

13 2. Seven members selected by the speaker of the assembly;

14 3. Three members selected by the minority leader of the senate; and

15 4. Three members selected by the minority leader of the assembly.

16 (b) One representative of the applicable regional developmental disa-  
17 bilities services office shall sit as an ex officio member of the state-  
18 wide group home families working group at each regional meeting pursuant  
19 to subdivision (i) of this section.

20 (c) Members shall be persons with developmental disabilities residing  
21 in group homes or family members or guardians of persons with develop-  
22 mental disabilities residing in group homes. The commissioner shall  
23 provide for an appropriate and timely application process to facilitate  
24 selection of members.

25 (d) The statewide group home families working group shall have a  
26 chairperson, who shall be elected by a majority vote of the members of  
27 the statewide group home families working group.

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

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1 (e) Members shall be appointed for terms of three years. Vacancies  
2 shall be filled in the same manner as original appointments for the  
3 remainder of the unexpired term. The designation of a member as chair  
4 shall be made biannually.

5 (f) The statewide group home families working group shall have no  
6 executive, administrative or appointive duties. The duties of the state-  
7 wide group home families working group shall include, but not be limit-  
8 ed to:

9 1. Informing and advising the commissioner as to matters of importance  
10 for persons with developmental disabilities residing in group homes and  
11 their families and guardians;

12 2. Providing recommendations for statewide and regional priorities and  
13 goals for individuals residing in group homes and families and guardians  
14 of individuals residing in group homes;

15 3. Advising the commissioner on such other matters related to group  
16 homes as the statewide group home families working group deems relevant;  
17 and

18 4. Holding regional public meetings in accordance with subdivision (i)  
19 of this section to solicit and receive input from residents of group  
20 homes and family members and guardians of residents of group homes  
21 regarding the operation of group homes, including but not limited to  
22 care provided and financial matters.

23 (g) The statewide group home families working group shall establish  
24 such committees as deemed necessary by the chair.

25 (h) The statewide group home families working group shall meet at  
26 least four times in each full calendar year and at least once during  
27 each calendar quarter in addition to the regional public meetings held  
28 in accordance with subdivision (i) of this section at the request of its  
29 chair within ten days of receiving written notice of such meeting. In  
30 addition, the statewide group home families working group may hold  
31 special meetings at the request of its chair or the commissioner within  
32 ten days of receiving written notice of such meeting.

33 (i) 1. In addition to the regular meetings as provided for by subdivi-  
34 sion (h) of this section, the statewide group home families working  
35 group shall hold at least one public regional meeting annually in each  
36 city, town or village where a developmental disabilities services office  
37 is located, pursuant to subdivision (b) of section 13.17 of this arti-  
38 cle, for the purposes of providing a forum for persons with develop-  
39 mental disabilities who are residing in group homes, family and guardi-  
40 ans of persons with developmental disabilities residing in group homes,  
41 persons representing group homes, advocates for persons with develop-  
42 mental disabilities residing in group homes and other interested parties  
43 to comment and advise regarding the operation of group homes, including  
44 but not limited to care provided and financial matters.

45 2. Notice of a public regional meeting and a printed agenda, which may  
46 be subject to later amendment, shall be made available to the public at  
47 least fifteen days in advance of such regional meeting, including by  
48 publication by the commissioner on the office's website.

49 3. At such public regional meetings, interested parties shall be  
50 provided reasonable opportunity, both orally and in writing, to comment  
51 regarding the operation of group homes, including but not limited to  
52 care provided and financial matters.

53 4. The statewide group home families working group and each applicable  
54 developmental disabilities services office shall collaborate in the  
55 fulfillment of the duties set forth in this subdivision.

1 (j) Members of the statewide group home families working group shall  
2 receive no compensation for their services but shall be reimbursed for  
3 all expenses actually and necessarily incurred by them in the perform-  
4 ance of their duties.

5 (k) The statewide group home families working group shall submit by  
6 January thirtieth, two thousand twenty-three, and annually thereafter,  
7 reports to the commissioner, the governor and the legislature reviewing  
8 and analyzing matters of concern related to group homes. Such reports  
9 shall include, but not be limited to, a review of comments made at  
10 regional meetings of the statewide group home families working group,  
11 other matters of importance deemed relevant to persons with develop-  
12 mental disabilities residing in group homes and family and guardians of  
13 persons with developmental disabilities residing in group homes; and a  
14 description of recommendations for future action by the state.

15 (l) The statewide group home families working group shall regularly  
16 communicate with the commissioner regarding its actions and duties and  
17 shall fulfill its obligations under this section in collaboration with  
18 the commissioner. The commissioner shall provide assistance to the  
19 statewide group home families working group in the fulfillment of its  
20 duties upon the reasonable request of the statewide group home families  
21 working group.

22 § 3. Paragraph 1 of subdivision (b) of section 5.07 of the mental  
23 hygiene law, as amended by section 3 of part N of chapter 56 of the laws  
24 of 2012, subparagraphs f and g as amended and subparagraph h as added by  
25 section 3 of part V of chapter 57 of the laws of 2021, is amended to  
26 read as follows:

27 (1) The office of mental health, the office for people with develop-  
28 mental disabilities and the office of [~~alcoholism and substance abuse~~  
29 ~~services~~] addiction services and supports shall formulate a statewide  
30 comprehensive five-year plan for the provision of all state and local  
31 services for persons with mental illness, developmental disabilities,  
32 and/or those with substance use or compulsive gambling disorders. The  
33 statewide comprehensive plan shall be based upon an analysis of local  
34 services plans developed by each local governmental unit, in consulta-  
35 tion with consumers, consumer groups, providers of services and depart-  
36 mental facilities that furnish behavioral health services in conformance  
37 with statewide priorities and goals established with recommendations of  
38 the behavioral health services advisory council [~~and~~], the advisory  
39 council on developmental disabilities and the statewide group home fami-  
40 lies working group. The plan shall:

- 41 a. identify statewide priorities;
- 42 b. specify statewide goals that reflect the statewide priorities and  
43 are focused on obtaining positive measurable outcomes;
- 44 c. propose strategies and initiatives to address the priorities and  
45 facilitate achievement of statewide goals;
- 46 d. identify services and supports, which may include programs run or  
47 led by peers, that are designed to promote the health and wellness of  
48 persons with mental illness, developmental disabilities, and/or  
49 substance use or compulsive gambling disorders;
- 50 e. provide analysis of current and anticipated utilization of state  
51 and local, and public and private facilities, programs, services, and/or  
52 supports;
- 53 f. encourage and promote person-centered, culturally and linguis-  
54 tically competent community-based programs, services, and supports that  
55 reflect the partnership between state and local governmental units;

1 g. include progress reports on the implementation of both short-term  
2 and long-term recommendations of the children's plan required pursuant  
3 to section four hundred eighty-three-f of the social services law; ~~and~~

4 h. include final reports for time-limited demonstration programs  
5 pursuant to subdivision (d) of section 41.35 of this chapter; ~~and~~

6 i. include a discussion of the recommendations made by the behavioral  
7 health services advisory council, the advisory council on developmental  
8 disabilities and the statewide group home families working group.

9 § 4. Paragraph 4 of subdivision (b) of section 5.07 of the mental  
10 hygiene law, as amended by chapter 412 of the laws of 2021, is amended  
11 to read as follows:

12 (4) The commissioners of each of the offices shall be responsible for  
13 the development of such statewide five-year plan for services within the  
14 jurisdiction of their respective offices and after giving due notice  
15 shall conduct one or more public hearings on such plan. The behavioral  
16 health services advisory council ~~and~~, the advisory council on develop-  
17 mental disabilities and the statewide group home families working group  
18 shall review the statewide five year comprehensive plan developed by  
19 such office or offices and report its recommendations thereon to such  
20 commissioner or commissioners. Each commissioner shall submit the plan,  
21 with appropriate modifications, to the governor no later than the first  
22 day of November of each year in order that such plan may be considered  
23 with the estimates of the offices for the preparation of the executive  
24 budget of the state of New York for the next succeeding state fiscal  
25 year. Such comprehensive plan shall be submitted to the legislature and  
26 also be posted to the website of each office. Statewide plans shall  
27 ensure responsiveness to changing needs and goals and shall reflect the  
28 development of new information and the completion of program evalu-  
29 ations. An interim report detailing the commissioner's actions in  
30 fulfilling the requirements of this section in preparation of the plan  
31 and modifications in the plan of services being considered by the  
32 commissioner shall be submitted to the governor and the legislature on  
33 or before the fifteenth day of March of each year. Such interim report  
34 shall include, but need not be limited to:

35 (a) actions to include participation of consumers, consumer groups,  
36 providers of services and departmental facilities, as required by this  
37 subdivision; and

38 (b) any modifications in the plan of services being considered by the  
39 commissioner, to include: (i) compelling budgetary, programmatic or  
40 clinical justifications or other major appropriate reason for any  
41 significant new statewide programs or policy changes from a prior  
42 (approved) five year comprehensive plan; and (ii) procedures to involve  
43 or inform local governmental units of such actions or plans.

44 § 5. This act shall take effect on the sixtieth day after it shall  
45 have become a law; provided, however, that if chapter 412 of the laws of  
46 2021 shall not have taken effect on or before such date then section  
47 four of this act shall take effect on the same date and in the same  
48 manner as such chapter of the laws of 2021, takes effect.