

# STATE OF NEW YORK

5809

2021-2022 Regular Sessions

## IN SENATE

March 18, 2021

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to requiring the office for people with developmental disabilities to submit an updated waitlist and placement report to the senate and assembly

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 13.28 to read as follows:

3 § 13.28 Office for people with developmental disabilities; residential  
4 waitlist and placement report.

5 The office shall submit by January first, two thousand twenty-three,  
6 and every six months thereafter, an updated waitlist and placement  
7 report to the temporary president of the senate and the speaker of the  
8 assembly, including the following information:

9 (a) Waitlist information. Such waitlist information shall include the  
10 statewide number of individuals awaiting placement broken down into the  
11 total number of individuals from within each developmental disability  
12 services office's geographic area who await residential placement and  
13 are expected to require such placement within the next year. Such infor-  
14 mation shall be grouped by the age of the individual awaiting placement  
15 and the age of their caregiver, if any. Such information shall also  
16 include:

17 1. the type of placement such individuals are expected to require  
18 divided into certified out-of-home, supervised, supportive placement and  
19 the number of such persons who are medically frail requiring intensive  
20 medical care;

21 2. non-certified residential placement outside of the parent's or  
22 parents' or other caregiver's home; and

23 3. the number of individuals expected to require home and community  
24 based services waiver-funded habilitation services at-home;

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

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1 (b) Placement information. Such placement information shall include:

2 1. the total number of individuals placed within each of the settings  
3 listed in paragraphs one, two and three of subdivision (a) of this  
4 section during the six months preceding the date of release of the  
5 report required pursuant to subdivision (c) of this section; and

6 2. the total number of individuals, who are not included on the wait-  
7 list, placed within each of the settings listed in paragraphs one, two  
8 and three of subdivision (a) of this section during the six months  
9 preceding the date of release of the report required pursuant to subdivi-  
10 vision (c) of this section, and the reasons for such placements;

11 (c) The commissioner shall report the number of individuals who are  
12 currently placed in a residential program, whose current living situ-  
13 ation is not adequate to meet their needs and who are awaiting an alter-  
14 native placement. These individuals shall be divided according to:

15 1. the number and age of such individuals;

16 2. the settings listed in paragraphs one, two and three of subdivision  
17 (a) of this section; and

18 3. the number of children in residential placements expected to age  
19 out of such placements within a year and plans for continuing their  
20 placements as adults;

21 (d) The number of individuals whose placement failed or who have asked  
22 for an alternative placement, either themselves or through their parent  
23 or guardian acting on their behalf, over the six month period preceding  
24 the date of release of a report, with categorical descriptions of the  
25 reasons for such results and any actions taken or planned to remedy such  
26 situation;

27 (e) The cost of placements made during the period of such report  
28 divided into costs attributable to supervised, supportive, at-home resi-  
29 dential placements or other placements;

30 (f) The appropriation authority used to fund placements made during  
31 the period of the report, including the year of the original appropri-  
32 ation and balance of remaining funds in such appropriation by category  
33 such as OPTS, NYS-CARES or other categories;

34 (g) Projected funding requirements for individuals remaining on the  
35 waiting list;

36 (h) An updated five year projection of individuals who will require  
37 out-of-home residential placement and a five year projection of individ-  
38 uals who require additional in-home supports;

39 (i) A plan for meeting the out-of-home residential placement needs  
40 shall also be developed and shall specify the type of placements accord-  
41 ing to such settings listed in paragraphs one, two and three of subdivi-  
42 sion (a) of this section; and

43 (j) Any other information deemed necessary by the commissioner.

44 § 2. This act shall take effect immediately.