

STATE OF NEW YORK

7693

IN SENATE

January 7, 2022

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

AN ACT to amend the mental hygiene law, in relation to establishing a council for treatment equity within the office of addiction services and supports

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

1 Section 1. Section 19.45 of the mental hygiene law, as added by a
2 chapter of the laws of 2021 amending the mental hygiene law relating to
3 establishing a council for treatment equity within the office of
4 addiction services and supports, as proposed in legislative bills
5 numbers S. 679-A and A. 1927-A, is amended to read as follows:

6 § 19.45 The council for treatment equity.

7 1. Definitions. As used in this section:

8 (a) "Council" shall mean the council for treatment equity, within the
9 office of addiction services and supports, created pursuant to this
10 section which shall consist of a [~~full-time~~] director and any additional
11 full or part-time staff the commissioner deems necessary to effectuate
12 the provisions of this section.

13 (b) [~~"Treatment equity advisory board" shall mean the advisory board~~
14 ~~to the council, created pursuant to subdivision three of this section.~~

15 ~~(e)~~] "Vulnerable populations" shall mean those who have experienced
16 injustices and disadvantages as a result of their race, ethnicity, sexual
17 orientation, gender identity, disability status, age, socioeconomic
18 status and/or any other status which has caused a person to experience
19 injustices and disadvantages.

20 [~~(d)~~] (c) "Racially and ethnically diverse areas" shall mean counties
21 where the non-white population is forty percent or more or the service
22 area of an agency, corporation, facility or individual providing
23 substance use disorder services where the non-white population of said
24 area is forty percent or more.

25 [~~(e)~~] (d) "Provider of services" shall mean any agency, corporation,
26 facility or individual providing substance use disorder services to
27 vulnerable populations.

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

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1 ~~(f)~~ (e) "Treatment disparities" shall mean measurable differences in
2 access to and quality of substance use disorder services as determined
3 by race, ethnicity, sexual orientation, gender identity, disability
4 status, age and socioeconomic status.

5 ~~(g)~~ (f) "Treatment equity" shall mean achieving the highest level of
6 substance use disorder services for all people and shall entail focused
7 efforts to address avoidable inequalities by equalizing those conditions
8 for substance use disorder services for those that have experienced
9 injustices and socioeconomic disadvantages.

10 2. The council for treatment equity. There is hereby created, within
11 the office of addiction services and supports, a council for treatment
12 equity. The council, in conjunction with the ~~[treatment equity advisory~~
13 ~~board]~~ behavioral health services advisory council, shall have the
14 following powers and duties:

15 (a) Work collaboratively with ~~[the office, other]~~ relevant state agen-
16 cies, ~~[the]~~ local governmental ~~[unit]~~ units as defined in article
17 forty-one of this chapter and other affected stakeholders, including,
18 but not limited to, providers to and representatives of vulnerable popu-
19 lations, in order to set priorities to achieve treatment equity in both
20 racial and ethnically diverse areas and for vulnerable populations
21 throughout the state;

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

26 (c) Develop and implement strategies aimed at achieving treatment
27 equity in racially and ethnically diverse areas and among vulnerable
28 populations;

29 (d) Promote community involvement by conducting promotional and educa-
30 tional outreach programs regarding substance use disorders and available
31 services; and

32 (e) Review the impact of current laws, rules, regulations, policies
33 and programs that may be affecting the ability to achieve treatment
34 equity.

35 3. ~~[The treatment equity advisory board. (a) The treatment equity~~
36 ~~advisory board shall consist of thirteen members. Six members shall be~~
37 ~~appointed by the governor, three members appointed by the temporary~~
38 ~~president of the senate, three members appointed by the speaker of the~~
39 ~~assembly and the final member shall be the chairperson of the conference~~
40 ~~of local mental hygiene directors, or his or her designee. The chair-~~
41 ~~person of the board shall be the commissioner or their designee.~~

42 ~~(b) The members of the board shall be from the community with exper-~~
43 ~~tise in conducting substance use disorder services. In making such~~
44 ~~appointments, due consideration shall be given to ensuring adequate~~
45 ~~geographic representation.~~

46 ~~(c) The term of office for each member of the treatment equity advi-~~
47 ~~sory board shall be two years. Vacancies in the treatment equity advi-~~
48 ~~sory board, other than by expiration of a term, shall be filled for the~~
49 ~~remainder of the unexpired term in the same manner as original appoint-~~
50 ~~ments.~~

51 ~~(d) The members of the treatment equity advisory board shall receive~~
52 ~~no compensation for their services, but shall be reimbursed for all~~
53 ~~expenses actually and necessarily incurred by them in the performance of~~
54 ~~their duties under this section within the amount made available by~~
55 ~~appropriation therefor.~~

1 ~~4~~] Report. The council shall submit a written report to the governor,
2 the temporary president of the senate and the speaker of the assembly no
3 later than one year succeeding the effective date of this section and
4 annually thereafter, setting forth the findings, recommendations and
5 activities of the council on matters within the scope of its powers and
6 duties as set forth in this section.

7 § 2. Subdivisions (a), (b), (e) and (f) of section 5.06 of the mental
8 hygiene law, as added by section 2 of part N of chapter 56 of the laws
9 of 2012, paragraph 5 of subdivision (b) as amended by section 31 of part
10 AA of chapter 56 of the laws of 2019, are amended to read as follows:

11 (a) There is hereby created within the department a behavioral health
12 services advisory council, the purpose of which shall be to advise the
13 offices of mental health and [~~alcoholism and substance abuse services~~]
14 addiction services and supports on matters relating to the provision of
15 behavioral health services; issues of joint concern to the offices,
16 including the integration of various behavioral health services and the
17 integration of behavioral health services with health services; [~~and~~]
18 issues related to the delivery of behavioral health services that are
19 responsive to local, state and federal concerns; and issues related to
20 treatment disparities and treatment equity, as defined in section 19.45
21 of this chapter. The council shall consist of the commissioners of
22 mental health and of [~~alcoholism and substance abuse services~~] addiction
23 services and supports, who shall not have the right to vote, the chair
24 of the conference of local mental hygiene directors or his or her desig-
25 nee, and [~~twenty-eight~~] thirty-two members appointed by the governor,
26 upon the advice and consent of the senate. Members shall be appointed
27 only if they have professional knowledge in the care of persons receiv-
28 ing behavioral health services, or an active interest in the behavioral
29 health services system.

30 (b) The governor shall designate one of the members of the council as
31 chair. At least one-half of the members of the council shall not be
32 providers of behavioral health services. Membership shall reflect a
33 balanced representation of persons with interests in mental health and
34 substance use disorder services and shall include:

35 (1) at least five current or former consumers of behavioral health
36 services;

37 (2) at least three individuals who are parents or relatives of current
38 or former consumers of behavioral health services;

39 (3) at least three members who are not providers of behavioral health
40 services and who represent non-governmental organizations, such as not-
41 for-profit entities representing health or behavioral health care
42 employees, private payors of behavioral health services, or other organ-
43 izations concerned with the provision of behavioral health services;

44 (4) at least five representatives of providers of services to persons
45 with mental illness and at least five representatives of providers of
46 services to persons with substance use disorders, at least two of whom
47 shall be physicians and at least one of whom shall have provided
48 services to veterans who served in a combat theater or combat zone of
49 operations;

50 (5) one member appointed on the recommendation of the state director
51 of the division of veterans' services and one member appointed on the
52 recommendation of the adjutant general of the division of military and
53 naval affairs, at least one of whom shall be a current or former consum-
54 er of mental health services or substance use disorder services who is a
55 veteran who has served in a combat theater or combat zone of operations
56 and is a member of a veterans organization;

1 (6) at least three representatives of local governments or other state
2 and local agencies concerned with the provision of behavioral health
3 services; ~~and~~

4 (7) at least two members who are also members of the public health and
5 health planning council pursuant to section two hundred twenty of the
6 public health law~~[-]~~; ~~and~~

7 (8) at least four members that have expertise in issues facing vulner-
8 able populations, as defined in section 19.45 of this chapter, who are
9 receiving or seeking to receive substance use disorder services. Of such
10 members, one member shall be appointed by the governor at the recommen-
11 dation of the temporary president of the senate, one member shall be
12 appointed by the governor at the recommendation of the minority leader
13 of the senate, one member shall be appointed by the governor at the
14 recommendation of the speaker of the assembly and one member shall be
15 appointed by the governor at the recommendation of the minority leader
16 of the assembly.

17 (e) The council shall establish such committees as it deems necessary
18 to address the service needs of special populations and to address
19 particular subjects of importance in the development and management of
20 behavioral health services. Provided however, the council shall estab-
21 lish a committee to specifically focus on substance use disorder treat-
22 ment disparities that may exist for vulnerable populations, as defined
23 in section 19.45 of this chapter.

24 (f) The council may consider any matter relating to the improvement of
25 behavioral health services in the state and shall advise the commission-
26 ers on any such matter, including, but not limited to:

27 (1) care and services to persons with behavioral health disorders,
28 including special and underserved populations as determined by the
29 commissioner;

30 (2) financing behavioral health services;

31 (3) integration of behavioral health services with health services;

32 (4) care and services for persons with co-occurring disorders or
33 multiple disabilities;

34 (5) prevention of behavioral health disorders; ~~and~~

35 (6) improvement of care in state operated or community based programs,
36 recruitment, education and training of qualified direct care personnel,
37 and protection of the interests of employees affected by adjustments in
38 the behavioral health service system~~[-]~~; ~~and~~

39 (7) ways to achieve treatment equity, as defined in section 19.45 of
40 this chapter.

41 § 3. This act shall take effect on the same date and in the same
42 manner as a chapter of the laws of 2021 amending the mental hygiene law
43 relating to establishing a council for treatment equity within the
44 office of addiction services and supports, as proposed in legislative
45 bills numbers S. 679-A and A. 1927-A, takes effect.