

# STATE OF NEW YORK

7381

2021-2022 Regular Sessions

## IN ASSEMBLY

May 6, 2021

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

AN ACT to amend the mental hygiene law, in relation to requiring the office for people with developmental disabilities 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 13.07 of the mental hygiene law is amended by  
2 adding a new subdivision (f) to read as follows:

3 (f) (1) The office, in consultation with the department of health,  
4 shall produce a report to review the impact and the state's response to  
5 the COVID-19 state disaster emergency, as declared by executive order  
6 two hundred two of two thousand twenty, as it relates to individuals  
7 with intellectual or developmental disabilities. The report shall  
8 include, but not be limited to:

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

14 (ii) a timeline of any outreach conducted by the office with stake-  
15 holders, including self-advocates, family advocates and voluntary  
16 providers and what, if any, changes to guidance were made as a result of  
17 such communication with stakeholders;

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

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

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

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

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

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

15 (2) The office shall also evaluate policies, procedures, and programs  
16 that were implemented during the course of the COVID-19 pandemic to  
17 determine the efficacy on safety.

18 (3) The office shall provide recommendations of changes to any laws or  
19 regulations that impeded response to COVID-19 to the legislature.

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

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