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:

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

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

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

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

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

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

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

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

(v) an inventory of costs incurred by the office related to responding to COVID-19;

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

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

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

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

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

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