STATE OF NEW YORK

7690

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 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 including certain data in the statewide comprehensive plan for persons with mental disabilities

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

Section 1. Paragraphs 3 and 4 of subdivision (b) of section 5.07 of the mental hygiene law, paragraph 3 as amended by section 3 of part N of chapter 56 of the laws of 2012, paragraph 4 as amended by chapter 723 of the laws of 1993, and subparagraph (v) of paragraph 4 as amended by chapter 170 of the laws of 1994, are amended to read as follows:

(3) **The commissioner of the office for people with developmental disabilities shall also include, to the extent practicable, the following data in the portion of the statewide comprehensive plan required by this section for services to persons with developmental disabilities:**

(a) the number of individuals and average Medicaid eligible expenditure level per service recipient, categorized by the following:

(i) from birth to twenty years of age;

(ii) from twenty-one years of age to sixty-four years of age inclusive; and

(iii) sixty-five years of age and older;

(b) race or ethnicity of the service recipient, by age range;

(c) primary language spoken by the service recipient and other related details, as feasible; and

(d) residence type, subcategorized by age, race or ethnicity, and primary language.

(4) The commissioners of each of the offices shall be responsible for the development of such statewide five-year plan for services within the jurisdiction of their respective offices and after giving due notice shall conduct one or more public hearings on such plan. The behavioral

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

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health services advisory council and the advisory council on developmental disabilities shall review the statewide five year comprehensive plan developed by such office or offices and report its recommendations thereon to such commissioner or commissioners. Each commissioner shall submit the plan, with appropriate modifications, to the governor no later than the first day of November of each year in order that such plan may be considered with the estimates of the offices for the preparation of the executive budget of the state of New York for the next succeeding state fiscal year. Such comprehensive plan shall be submitted to the legislature and also be posted to the website of each office. Statewide plans shall ensure responsiveness to changing needs and goals and shall reflect the development of new information and the completion of program evaluations. An interim report detailing the commissioner's actions in fulfilling the requirements of this section in preparation of the plan and modifications in the plan of services being considered by the commissioner shall be submitted to the governor and the legislature on or before the fifteenth day of March of each year. Such interim report shall include, but need not be limited to:

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

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

[~~(4)~~] **(5)** The commissioner of mental health in consultation with the department of civil service, the office of employee relations and any other appropriate state agency, shall prepare for the governor and the legislature a written evaluation report concerning the retraining and continuation of employment of persons whose employment in a state-operated hospital listed in section 7.17 of this chapter may be terminated because of planned closure or consolidation of such state-operated hospital. Such report shall include, but not be limited to:

(i) specific proposals to help implement transitional employment arrangements with state, local governmental units and voluntary agencies;

(ii) specific proposals to help provide for the development of appropriate retraining programs;

(iii) specific proposals to help provide for continuity of employment and utilization of alternatives to layoffs;

(iv) specific proposals to help provide for the active participation of the legal bargaining representatives of the employees of the office, where appropriate, in the planning for and implementation of mechanisms to help ensure continuity of employment;

(v) specific proposals to help ensure that the planning for the closure or consolidation of state-operated hospitals is consistent with the planning for the continuity of employment of state employees, including procedures to ensure timely notification of represented employees and their designated legal representatives and managerial and confidential employees regarding planned program closure or consolidation of state-operated hospitals; and

(vi) specific proposals regarding the establishment of demonstration projects incorporating staff training, transfers and assignment of staff of state-operated hospitals to the offices in local governmental units

and in voluntary agencies. Such proposals shall take into consideration those areas of the state that are determined to be most in need of the development of appropriate systems of service delivery to best meet the appropriate needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances.

On or before December first, nineteen hundred ninety-four a copy of such report, and such recommendations as may be deemed appropriate shall be submitted to the governor, the temporary president of the senate, the speaker of the assembly, and the respective minority leaders of each such house.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.