

# STATE OF NEW YORK

6277

2021-2022 Regular Sessions

## IN SENATE

April 20, 2021

Introduced by Sen. MANNION -- 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 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:

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

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

10 (a) the number of individuals and average Medicaid eligible expendi-  
11 ture level per service recipient, categorized by the following:

12 (i) from birth to twenty years of age;

13 (ii) from twenty-one years of age to sixty-four years of age inclu-  
14 sive; and

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

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

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

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

21 (4) The commissioners of each of the offices shall be responsible for  
22 the development of such statewide five-year plan for services within the  
23 jurisdiction of their respective offices and after giving due notice  
24 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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1 health services advisory council and the advisory council on develop-  
2 mental disabilities shall review the statewide five year comprehensive  
3 plan developed by such office or offices and report its recommendations  
4 thereon to such commissioner or commissioners. Each commissioner shall  
5 submit the plan, with appropriate modifications, to the governor no  
6 later than the first day of November of each year in order that such  
7 plan may be considered with the estimates of the offices for the prepa-  
8 ration of the executive budget of the state of New York for the next  
9 succeeding state fiscal year. Such comprehensive plan shall be submitted  
10 to the legislature and also be posted to the website of each office.  
11 Statewide plans shall ensure responsiveness to changing needs and goals  
12 and shall reflect the development of new information and the completion  
13 of program evaluations. An interim report detailing the commissioner's  
14 actions in fulfilling the requirements of this section in preparation of  
15 the plan and modifications in the plan of services being considered by  
16 the commissioner shall be submitted to the governor and the legislature  
17 on or before the fifteenth day of March of each year. Such interim  
18 report shall include, but need not be limited to:

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

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

28 [~~4~~] (5) The commissioner of mental health in consultation with the  
29 department of civil service, the office of employee relations and any  
30 other appropriate state agency, shall prepare for the governor and the  
31 legislature a written evaluation report concerning the retraining and  
32 continuation of employment of persons whose employment in a state-oper-  
33 ated hospital listed in section 7.17 of this chapter may be terminated  
34 because of planned closure or consolidation of such state-operated  
35 hospital. Such report shall include, but not be limited to:

36 (i) specific proposals to help implement transitional employment  
37 arrangements with state, local governmental units and voluntary agen-  
38 cies;

39 (ii) specific proposals to help provide for the development of appro-  
40 priate retraining programs;

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

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

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

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

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

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

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