

STATE OF NEW YORK

7377

2021-2022 Regular Sessions

IN SENATE

September 13, 2021

Introduced by Sens. MAYER, MANNION -- 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 the
statewide group home families working group

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

1 Section 1. Section 13.03 of the mental hygiene law is amended by
2 adding a new subdivision 3 to read as follows:

3 3. "group home" means a community residence serving people with devel-
4 opmental disabilities.

5 § 2. The mental hygiene law is amended by adding a new section 13.05-a
6 to read as follows:

7 § 13.05-a Statewide group home families working group.

8 (a) There is hereby established a statewide group home families work-
9 ing group. The statewide group home families working group shall consist
10 of twenty members selected, in consultation with the commissioner, from
11 among qualified applicants or nominees as follows:

12 1. Seven members selected by the temporary president of the senate;

13 2. Seven members selected by the speaker of the assembly;

14 3. Three members selected by the minority leader of the senate; and

15 4. Three members selected by the minority leader of the assembly.

16 (b) One representative of the applicable regional developmental disa-
17 bilities services office shall sit as an ex officio member of the state-
18 wide group home families working group at each regional meeting pursuant
19 to subdivision (i) of this section.

20 (c) Members shall be persons with developmental disabilities residing
21 in group homes or family members or guardians of persons with develop-
22 mental disabilities residing in group homes. The commissioner shall
23 provide for an appropriate and timely application process to facilitate
24 selection of members.

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

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1 (d) The statewide group home families working group shall have a
2 chairperson, who shall be elected by a majority vote of the members of
3 the statewide group home families working group.

4 (e) Members shall be appointed for terms of three years. Vacancies
5 shall be filled in the same manner as original appointments for the
6 remainder of the unexpired term. The designation of a member as chair
7 shall be made biannually.

8 (f) The statewide group home families working group shall have no
9 executive, administrative or appointive duties. The duties of the state-
10 wide group home families working group shall include, but not be limit-
11 ed to:

12 1. Informing and advising the commissioner as to matters of importance
13 for persons with developmental disabilities residing in group homes and
14 their families and guardians;

15 2. Providing recommendations for statewide and regional priorities and
16 goals for individuals residing in group homes and families and guardians
17 of individuals residing in group homes;

18 3. Advising the commissioner on such other matters related to group
19 homes as the statewide group home families working group deems relevant;
20 and

21 4. Holding regional public meetings in accordance with subdivision (i)
22 of this section to solicit and receive input from residents of group
23 homes and family members and guardians of residents of group homes
24 regarding the operation of group homes, including but not limited to
25 care provided and financial matters.

26 (g) The statewide group home families working group shall establish
27 such committees as deemed necessary by the chair.

28 (h) The statewide group home families working group shall meet at
29 least four times in each full calendar year and at least once during
30 each calendar quarter in addition to the regional public meetings held
31 in accordance with subdivision (i) of this section at the request of its
32 chair within ten days of receiving written notice of such meeting. In
33 addition, the statewide group home families working group may hold
34 special meetings at the request of its chair or the commissioner within
35 ten days of receiving written notice of such meeting.

36 (i) 1. In addition to the regular meetings as provided for by subdivi-
37 sion (h) of this section, the statewide group home families working
38 group shall hold at least one public regional meeting annually in each
39 city, town or village where a developmental disabilities services office
40 is located, pursuant to subdivision (b) of section 13.17 of this arti-
41 cle, for the purposes of providing a forum for persons with develop-
42 mental disabilities who are residing in group homes, family and guardi-
43 ans of persons with developmental disabilities residing in group homes,
44 persons representing group homes, advocates for persons with develop-
45 mental disabilities residing in group homes and other interested parties
46 to comment and advise regarding the operation of group homes, including
47 but not limited to care provided and financial matters.

48 2. Notice of a public regional meeting and a printed agenda, which may
49 be subject to later amendment, shall be made available to the public at
50 least fifteen days in advance of such regional meeting, including by
51 publication by the commissioner on the office's website.

52 3. At such public regional meetings, interested parties shall be
53 provided reasonable opportunity, both orally and in writing, to comment
54 regarding the operation of group homes, including but not limited to
55 care provided and financial matters.

1 4. The statewide group home families working group and each applicable
2 developmental disabilities services office shall collaborate in the
3 fulfillment of the duties set forth in this subdivision.

4 (j) Members of the statewide group home families working group shall
5 receive no compensation for their services but shall be reimbursed for
6 all expenses actually and necessarily incurred by them in the perform-
7 ance of their duties.

8 (k) The statewide group home families working group shall submit by
9 January thirtieth, two thousand twenty-three, and annually thereafter,
10 reports to the commissioner, the governor and the legislature reviewing
11 and analyzing matters of concern related to group homes. Such reports
12 shall include, but not be limited to, a review of comments made at
13 regional meetings of the statewide group home families working group,
14 other matters of importance deemed relevant to persons with develop-
15 mental disabilities residing in group homes and family and guardians of
16 persons with developmental disabilities residing in group homes; and a
17 description of recommendations for future action by the state.

18 (l) The statewide group home families working group shall regularly
19 communicate with the commissioner regarding its actions and duties and
20 shall fulfill its obligations under this section in collaboration with
21 the commissioner. The commissioner shall provide assistance to the
22 statewide group home families working group in the fulfillment of its
23 duties upon the reasonable request of the statewide group home families
24 working group.

25 § 3. Paragraph 1 of subdivision (b) of section 5.07 of the mental
26 hygiene law, as amended by section 3 of part N of chapter 56 of the laws
27 of 2012, subparagraphs f and g as amended and subparagraph h as added by
28 section 3 of part V of chapter 57 of the laws of 2021, is amended to
29 read as follows:

30 (1) The office of mental health, the office for people with develop-
31 mental disabilities and the office of [~~alcoholism and substance abuse~~
32 ~~services~~] addiction services and supports shall formulate a statewide
33 comprehensive five-year plan for the provision of all state and local
34 services for persons with mental illness, developmental disabilities,
35 and/or those with substance use or compulsive gambling disorders. The
36 statewide comprehensive plan shall be based upon an analysis of local
37 services plans developed by each local governmental unit, in consulta-
38 tion with consumers, consumer groups, providers of services and depart-
39 mental facilities that furnish behavioral health services in conformance
40 with statewide priorities and goals established with recommendations of
41 the behavioral health services advisory council [~~and~~], the advisory
42 council on developmental disabilities and the statewide group home fami-
43 lies working group. The plan shall:

- 44 a. identify statewide priorities;
45 b. specify statewide goals that reflect the statewide priorities and
46 are focused on obtaining positive measurable outcomes;
47 c. propose strategies and initiatives to address the priorities and
48 facilitate achievement of statewide goals;
49 d. identify services and supports, which may include programs run or
50 led by peers, that are designed to promote the health and wellness of
51 persons with mental illness, developmental disabilities, and/or
52 substance use or compulsive gambling disorders;
53 e. provide analysis of current and anticipated utilization of state
54 and local, and public and private facilities, programs, services, and/or
55 supports;

1 f. encourage and promote person-centered, culturally and linguis-
2 tically competent community-based programs, services, and supports that
3 reflect the partnership between state and local governmental units;

4 g. include progress reports on the implementation of both short-term
5 and long-term recommendations of the children's plan required pursuant
6 to section four hundred eighty-three-f of the social services law; ~~and~~

7 h. include final reports for time-limited demonstration programs
8 pursuant to subdivision (d) of section 41.35 of this chapter; and

9 i. include a discussion of the recommendations made by the behavioral
10 health services advisory council, the advisory council on developmental
11 disabilities and the statewide group home families working group.

12 § 4. Paragraph 4 of subdivision (b) of section 5.07 of the mental
13 hygiene law, as amended by chapter 412 of the laws of 2021, is amended
14 to read as follows:

15 (4) The commissioners of each of the offices shall be responsible for
16 the development of such statewide five-year plan for services within the
17 jurisdiction of their respective offices and after giving due notice
18 shall conduct one or more public hearings on such plan. The behavioral
19 health services advisory council ~~and~~, the advisory council on develop-
20 mental disabilities and the statewide group home families working group
21 shall review the statewide five year comprehensive plan developed by
22 such office or offices and report its recommendations thereon to such
23 commissioner or commissioners. Each commissioner shall submit the plan,
24 with appropriate modifications, to the governor no later than the first
25 day of November of each year in order that such plan may be considered
26 with the estimates of the offices for the preparation of the executive
27 budget of the state of New York for the next succeeding state fiscal
28 year. Such comprehensive plan shall be submitted to the legislature and
29 also be posted to the website of each office. Statewide plans shall
30 ensure responsiveness to changing needs and goals and shall reflect the
31 development of new information and the completion of program evalu-
32 ations. An interim report detailing the commissioner's actions in
33 fulfilling the requirements of this section in preparation of the plan
34 and modifications in the plan of services being considered by the
35 commissioner shall be submitted to the governor and the legislature on
36 or before the fifteenth day of March of each year. Such interim report
37 shall include, but need not be limited to:

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

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

47 § 5. This act shall take effect on the sixtieth day after it shall
48 have become a law; provided, however, that if chapter 412 of the laws of
49 2021 shall not have taken effect on or before such date then section
50 four of this act shall take effect on the same date and in the same
51 manner as such chapter of the laws of 2021, takes effect.