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:

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

3. "group home" means a community residence serving people with developmental disabilities.

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

§ 13.05-a Statewide group home families working group.

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

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

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

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

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

(b) One representative of the applicable regional developmental disabilities services office shall sit as an ex officio member of the statewide group home families working group at each regional meeting pursuant to subdivision (i) of this section.

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

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

LBD13164-03-1

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

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

(f) The statewide group home families working group shall have no executive, administrative or appointive duties. The duties of the statewide group home families working group shall include, but not be limited to:

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

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

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

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

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

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

(i) 1. In addition to the regular meetings as provided for by subdivision (h) of this section, the statewide group home families working group shall hold at least one public regional meeting annually in each city, town or village where a developmental disabilities services office is located, pursuant to subdivision (b) of section 13.17 of this article, for the purposes of providing a forum for persons with developmental disabilities who are residing in group homes, family and guardians of persons with developmental disabilities residing in group homes, persons representing group homes, advocates for persons with developmental disabilities residing in group homes and other interested parties to comment and advise regarding the operation of group homes, including but not limited to care provided and financial matters.

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

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

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

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

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

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

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

(1) The office of mental health, the office for people with developmental disabilities and the office of [~~alcoholism and substance abuse services~~] addiction services and supports shall formulate a statewide comprehensive five-year plan for the provision of all state and local services for persons with mental illness, developmental disabilities, and/or those with substance use or compulsive gambling disorders. The statewide comprehensive plan shall be based upon an analysis of local services plans developed by each local governmental unit, in consultation with consumers, consumer groups, providers of services and departmental facilities that furnish behavioral health services in conformance with statewide priorities and goals established with recommendations of the behavioral health services advisory council [~~and~~], the advisory council on developmental disabilities and the statewide group home families working group. The plan shall:

a. identify statewide priorities;

b. specify statewide goals that reflect the statewide priorities and are focused on obtaining positive measurable outcomes;

c. propose strategies and initiatives to address the priorities and facilitate achievement of statewide goals;

d. identify services and supports, which may include programs run or led by peers, that are designed to promote the health and wellness of persons with mental illness, developmental disabilities, and/or substance use or compulsive gambling disorders;

e. provide analysis of current and anticipated utilization of state and local, and public and private facilities, programs, services, and/or supports;

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

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

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

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

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

(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 health services advisory council [~~and~~]**,** the advisory council on developmental disabilities **and the statewide group home families working group** 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.

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