STATE OF NEW YORK

7693

IN SENATE

January 7, 2022

Introduced by Sen. HARCKHAM -- 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 a council for treatment equity within the office of addiction services and supports

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

Section 1. Section 19.45 of the mental hygiene law, as added by a chapter of the laws of 2021 amending the mental hygiene law relating to establishing a council for treatment equity within the office of addiction services and supports, as proposed in legislative bills numbers S. 679-A and A. 1927-A, is amended to read as follows:

§ 19.45 The council for treatment equity.

1. Definitions. As used in this section:

(a) "Council" shall mean the council for treatment equity**, within the office of addiction services and supports,** created pursuant to this section which shall consist of a [~~full time~~] director and any additional full or part-time staff the commissioner deems necessary to effectuate the provisions of this section.

(b) [~~"Treatment equity advisory board" shall mean the advisory board to the council, created pursuant to subdivision three of this section.~~

~~(c)~~] "Vulnerable populations" shall mean those who have experienced injustices and disadvantages as a result of their race, ethnicity, sexual orientation, gender identity, disability status, age, socioeconomic status and/or any other status which has caused a person to experience injustices and disadvantages.

[~~(d)~~] **(c)** "Racially and ethnically diverse areas" shall mean counties where the non-white population is forty percent or more or the service area of an agency, corporation, facility or individual providing substance use disorder services where the non-white population of said area is forty percent or more.

[~~(e)~~] **(d)** "Provider of services" shall mean any agency, corporation, facility or individual providing substance use disorder services to vulnerable populations.

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

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[~~(f)~~] **(e)** "Treatment disparities" shall mean measurable differences in access to and quality of substance use disorder services as determined by race, ethnicity, sexual orientation, gender identity, disability status, age and socioeconomic status.

[~~(g)~~] **(f)** "Treatment equity" shall mean achieving the highest level of substance use disorder services for all people and shall entail focused efforts to address avoidable inequalities by equalizing those conditions for substance use disorder services for those that have experienced injustices and socioeconomic disadvantages.

2. The council for treatment equity. There is hereby created**, within the office of addiction services and supports,** a council for treatment equity. The council, in conjunction with the [~~treatment equity advisory board~~] **behavioral health services advisory council**, shall have the following powers and duties:

(a) Work collaboratively with [~~the office, other~~] relevant state agencies, [~~the~~] local governmental [~~unit~~] **units** as defined in article forty-one of this chapter and other affected stakeholders, including, but not limited to, providers to and representatives of vulnerable populations, in order to set priorities to achieve treatment equity in both racial and ethnically diverse areas and for vulnerable populations throughout the state;

(b) Analyze collected data to determine the causes of treatment disparities in both racially and ethnically diverse areas and for vulnerable populations throughout the state, including any economic, physical, social or cultural barriers;

(c) Develop and implement strategies aimed at achieving treatment equity in racially and ethnically diverse areas and among vulnerable populations;

(d) Promote community involvement by conducting promotional and educational outreach programs regarding substance use disorders and available services; and

(e) Review the impact of current laws, rules, regulations, policies and programs that may be affecting the ability to achieve treatment equity.

3. [~~The treatment equity advisory board. (a) The treatment equity advisory board shall consist of thirteen members. Six members shall be appointed by the governor, three members appointed by the temporary president of the senate, three members appointed by the speaker of the assembly and the final member shall be the chairperson of the conference of local mental hygiene directors, or his or her designee. The chairperson of the board shall be the commissioner or their designee.~~

~~(b) The members of the board shall be from the community with expertise in conducting substance use disorder services. In making such appointments, due consideration shall be given to ensuring adequate geographic representation.~~

~~(c) The term of office for each member of the treatment equity advisory board shall be two years. Vacancies in the treatment equity advisory board, other than by expiration of a term, shall be filled for the remainder of the unexpired term in the same manner as original appointments.~~

~~(d) The members of the treatment equity advisory board 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 under this section within the amount made available by appropriation therefor.~~

~~4.~~] Report. The council shall submit a written report to the governor, the temporary president of the senate and the speaker of the assembly no later than one year succeeding the effective date of this section and annually thereafter, setting forth the findings, recommendations and activities of the council on matters within the scope of its powers and duties as set forth in this section.

§ 2. Subdivisions (a), (b), (e) and (f) of section 5.06 of the mental hygiene law, as added by section 2 of part N of chapter 56 of the laws of 2012, paragraph 5 of subdivision (b) as amended by section 31 of part AA of chapter 56 of the laws of 2019, are amended to read as follows:

(a) There is hereby created within the department a behavioral health services advisory council, the purpose of which shall be to advise the offices of mental health and [~~alcoholism and substance abuse services~~] **addiction services and supports** on matters relating to the provision of behavioral health services; issues of joint concern to the offices, including the integration of various behavioral health services and the integration of behavioral health services with health services; [~~and~~] issues related to the delivery of behavioral health services that are responsive to local, state and federal concerns**; and issues related to treatment disparities and treatment equity, as defined in section 19.45 of this chapter**. The council shall consist of the commissioners of mental health and of [~~alcoholism and substance abuse services~~] **addiction services and supports**, who shall not have the right to vote, the chair of the conference of local mental hygiene directors or his or her designee, and [~~twenty-eight~~] **thirty-two** members appointed by the governor, upon the advice and consent of the senate. Members shall be appointed only if they have professional knowledge in the care of persons receiving behavioral health services, or an active interest in the behavioral health services system.

(b) The governor shall designate one of the members of the council as chair. At least one-half of the members of the council shall not be providers of behavioral health services. Membership shall reflect a balanced representation of persons with interests in mental health and substance use disorder services and shall include:

(1) at least five current or former consumers of behavioral health services;

(2) at least three individuals who are parents or relatives of current or former consumers of behavioral health services;

(3) at least three members who are not providers of behavioral health services and who represent non-governmental organizations, such as not-for-profit entities representing health or behavioral health care employees, private payors of behavioral health services, or other organizations concerned with the provision of behavioral health services;

(4) at least five representatives of providers of services to persons with mental illness and at least five representatives of providers of services to persons with substance use disorders, at least two of whom shall be physicians and at least one of whom shall have provided services to veterans who served in a combat theater or combat zone of operations;

(5) one member appointed on the recommendation of the state director of the division of veterans' services and one member appointed on the recommendation of the adjutant general of the division of military and naval affairs, at least one of whom shall be a current or former consumer of mental health services or substance use disorder services who is a veteran who has served in a combat theater or combat zone of operations and is a member of a veterans organization;

(6) at least three representatives of local governments or other state and local agencies concerned with the provision of behavioral health services; [~~and~~]

(7) at least two members who are also members of the public health and health planning council pursuant to section two hundred twenty of the public health law[~~.~~]**; and**

(8) at least four members that have expertise in issues facing vulnerable populations, as defined in section 19.45 of this chapter, who are receiving or seeking to receive substance use disorder services. Of such members, one member shall be appointed by the governor at the recommendation of the temporary president of the senate, one member shall be appointed by the governor at the recommendation of the minority leader of the senate, one member shall be appointed by the governor at the recommendation of the speaker of the assembly and one member shall be appointed by the governor at the recommendation of the minority leader of the assembly.

(e) The council shall establish such committees as it deems necessary to address the service needs of special populations and to address particular subjects of importance in the development and management of behavioral health services**. Provided however, the council shall establish a committee to specifically focus on substance use disorder treatment disparities that may exist for vulnerable populations, as defined in section 19.45 of this chapter**.

(f) The council may consider any matter relating to the improvement of behavioral health services in the state and shall advise the commissioners on any such matter, including, but not limited to:

(1) care and services to persons with behavioral health disorders, including special and underserved populations as determined by the commissioner;

(2) financing behavioral health services;

(3) integration of behavioral health services with health services;

(4) care and services for persons with co-occurring disorders or multiple disabilities;

(5) prevention of behavioral health disorders; [~~and~~]

(6) improvement of care in state operated or community based programs, recruitment, education and training of qualified direct care personnel, and protection of the interests of employees affected by adjustments in the behavioral health service system[~~.~~]**; and**

(7) ways to achieve treatment equity, as defined in section 19.45 of this chapter.

§ 3. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the mental hygiene law relating to establishing a council for treatment equity within the office of addiction services and supports, as proposed in legislative bills numbers S. 679-A and A. 1927-A, takes effect.