

STATE OF NEW YORK

1020

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. E. BROWN -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to providing waivers of certain rules and regulations to promulgate collaboration by mental health providers

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

1 Section 1. Subdivision (a) of section 7.15 of the mental hygiene law,
2 as amended by section 3 of part I of chapter 58 of the laws of 2005, is
3 amended to read as follows:

4 (a) The commissioner shall plan, promote, establish, develop, coordi-
5 nate, evaluate, and conduct programs and services of prevention, diagno-
6 sis, examination, care, treatment, rehabilitation, training, and
7 research for the benefit of the mentally ill. Such programs shall
8 include but not be limited to in-patient, out-patient, partial hospital-
9 ization, day care, emergency, rehabilitative, and other appropriate
10 treatments and services provided, however, that the commissioner, in
11 conjunction with the commissioner of the office for people with develop-
12 mental disabilities, shall be authorized to waive rules and regulations
13 of the office of mental health and of the department of health, respec-
14 tively, to address barriers to collaboration by mental health providers
15 and providers of home care services under this section, including barriers
16 related to medical assistance reimbursement, service procedures,
17 care coordination and direct care worker training applicable to such
18 providers, provided further that regulations pertaining to patient safe-
19 ty may not be waived, nor shall any regulations be waived if such waiver
20 would risk patient safety. He or she shall take all actions that are
21 necessary, desirable, or proper to implement the purposes of this chap-
22 ter and to carry out the purposes and objectives of the department with-
23 in the amounts made available therefor by appropriation, grant, gift,

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

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1 devise, bequest, or allocation from the mental health services fund
2 established under section ninety-seven-f of the state finance law.

3 § 2. Subdivision (a) of section 13.15 of the mental hygiene law, as
4 amended by chapter 37 of the laws of 2011, is amended to read as
5 follows:

6 (a) The commissioner shall plan, promote, establish, develop, coordi-
7 nate, evaluate, and conduct programs and services of prevention, diagno-
8 sis, examination, care, treatment, rehabilitation, training, and
9 research for the benefit of individuals with developmental disabilities.
10 Such programs shall include but not be limited to in-patient, out-pa-
11 tient, partial hospitalization, day care, emergency, rehabilitative, and
12 other appropriate treatments and services provided, however, that the
13 commissioner, in conjunction with the commissioner of the office for
14 people with developmental disabilities, shall be authorized to waive
15 rules and regulations of the office of mental health and of the depart-
16 ment of health, respectively, to address barriers to collaboration by
17 mental health providers and providers of home care services under this
18 section, including barriers related to medical assistance reimbursement,
19 service procedures, care coordination and direct care worker training
20 applicable to such providers, provided further that regulations pertain-
21 ing to patient safety may not be waived, nor shall any regulations be
22 waived if such waiver would risk patient safety. He shall take all
23 actions that are necessary, desirable, or proper to implement the
24 purposes of this chapter and to carry out the purposes and objectives of
25 the office within the amounts made available therefor by appropriation,
26 grant, gift, devise, bequest, or allocation from the mental health
27 services fund established under section ninety-seven-f of the state
28 finance law.

29 § 3. Subdivision (a) of section 19.15 of the mental hygiene law, as
30 amended by chapter 208 of the laws of 1996, is amended to read as
31 follows:

32 (a) With the advice of the advisory council on alcoholism and
33 substance abuse services, and with the assistance of any interdepart-
34 mental council or committee heretofore or hereafter established that
35 shall be charged with the responsibility for interdepartmental cooper-
36 ation and program development in alcoholism, substance abuse, and chemi-
37 cal dependency, the commissioner shall promote, establish, coordinate,
38 and conduct programs for prevention, diagnosis, treatment, aftercare,
39 rehabilitation, and control in the fields of alcoholism, alcohol abuse,
40 substance abuse, substance dependence, and chemical dependence in coop-
41 eration with such other federal, state, local, and private agencies as
42 are necessary and, within the amount made available by appropriation
43 therefor, implement and administer such programs provided, however, that
44 the commissioner, in conjunction with the commissioner of the office for
45 people with developmental disabilities, shall be authorized to waive
46 rules and regulations of the office of mental health and of the depart-
47 ment of health, respectively, to address barriers to collaboration by
48 mental health providers and providers of home care services under this
49 section, including barriers related to medical assistance reimbursement,
50 service procedures, care coordination and direct care worker training
51 applicable to such providers, provided further that regulations pertain-
52 ing to patient safety may not be waived, nor shall any regulations be
53 waived if such waiver would risk patient safety.

54 § 4. This act shall take effect immediately.