

STATE OF NEW YORK

9452

IN ASSEMBLY

March 14, 2024

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

AN ACT in relation to establishing a statewide person-centered mental health services work group to improve statewide mental health planning and outcomes to achieve a person-centered, prevention-first integrated and tiered system of care for holistic health and wellness

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

- 1 Section 1. Statewide person-centered mental health services work
- 2 group. 1. There is hereby created person-centered mental health
- 3 services work group to examine, evaluate, determine, recommend, and
- 4 oversee implementation of how to improve statewide mental health plan-
- 5 ning and outcomes to achieve a person-centered, prevention-first inte-
- 6 grated and tiered system of care for holistic health and wellness.
- 7 2. The work group shall consist of twenty statewide members, four ex
- 8 officio members, and twenty-eight regional representative members,
- 9 appointed as follows:
- 10 (a) Statewide members. Statewide members shall be appointed within
- 11 sixty days of the effective date of this act:
- 12 (i) three members shall be appointed by the temporary president of the
- 13 senate, one of which must be a peer or consumer representative;
- 14 (ii) three members shall be appointed by the speaker of the assembly,
- 15 one of which must be a peer or consumer representative;
- 16 (iii) two members shall be appointed by the minority leader of the
- 17 senate;
- 18 (iv) two members shall be appointed by the minority leader of the
- 19 assembly;
- 20 (v) three members shall be appointed by the governor, one of which
- 21 must be a peer or consumer representative;
- 22 (vi) three members shall be appointed by the council of local mental
- 23 hygiene directors;
- 24 (vii) two members shall be appointed by the behavioral health services
- 25 advisory council; and

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

LBD14417-01-4

1 (viii) two members shall be appointed by the most integrated setting
2 coordinating council.

3 (b) Ex officio members. The commissioners of the office of addiction
4 services and supports, the office of mental health, the department of
5 health, and the New York city department of health and mental hygiene,
6 or their designees, shall serve as ex officio members of the work group.

7 (c) Regional membership and appointments. (i) For purposes of this
8 act, there shall be nine regions, consisting of the same geographic
9 areas and counties as the social care networks described in the January
10 2024 New York State Department of Health Request for Applications: New
11 York Health Equity Reform: Social Care Networks:

12 (1) Region 1: Capital;

13 (2) Region 2: Western;

14 (3) Region 3: Hudson Valley;

15 (4) Region 4: New York City;

16 (5) Region 5: Finger Lakes;

17 (6) Region 6: Southern Tier;

18 (7) Region 7: Central;

19 (8) Region 8: Long Island;

20 (9) Region 9: North Country.

21 (ii) There shall be three members from each region, except New York
22 City, which shall have four.

23 (iii) Regional members shall be selected through a nominating process
24 conducted by the New York alliance for rights and recovery. A majority
25 of the candidates must have lived experience as a person who is current-
26 ly or was previously in the shelter system, used or using public housing
27 vouchers, court-involved, and/or the public health and mental health
28 systems. The New York alliance for rights and recovery shall be compen-
29 sated for this work through a negotiated contract with the office of
30 mental health.

31 3. Appointments shall be made within sixty days of the effective date
32 of this act. Vacancies in the work group shall be filled in the same
33 manner provided for original appointments.

34 4. The work group membership shall accurately reflect the race and
35 ethnicity of people who use public health and mental health services.
36 The minority leader of the senate and the speaker of the assembly shall
37 review the composition of the work group following the nominating proc-
38 ess and shall, if necessary, select alternative members proposed by the
39 relevant nominating bodies to achieve the inclusion and equity targets
40 described herein.

41 5. All work group members shall be required to disclose any financial,
42 personal, or professional conflicts of interest related to the subject
43 and decisions under consideration by the work group.

44 6. Participation by non-voting members encourages the inclusion of
45 diverse viewpoints but does not dilute the decision-making authority of
46 the work group members who use mental health services. Non-voting
47 members may participate in all actions afforded members but may not vote
48 on any resolutions. If not otherwise selected to be a member of the work
49 group, the following shall be non-voting members:

50 (a) the director of recipient affairs from any local or state govern-
51 mental unit;

52 (b) representatives of trade associations representing housing and
53 service providers, hospital associations, and health insurance compa-
54 nies;

1 (c) representatives of social justice and legal advocacy organizations
2 with an established track record of public testimony and/or policy
3 research related to the provision of mental health service;

4 (d) a representative selected by the national alliance on mental
5 illness of New York state; and

6 (e) additional non-voting members may be added at the discretion of
7 the work group.

8 7. Work group members shall receive no compensation for their efforts
9 and services as members for the actual and necessary expenses incurred
10 in the performance of their duties. Notwithstanding the foregoing,
11 however, compensation shall be provided to work group members, both
12 voting and non-voting, with lived experiences who are not otherwise
13 compensated for their time devoted to work group activities. Such
14 compensation shall be equivalent to the average compensation of the work
15 group membership that is voted on and agreed to by the voting members of
16 the work group. Such compensation shall be allocated from the work
17 group operating budget. Members shall be considered public officers for
18 the purpose of section 17 of the public officers law.

19 8. A quorum shall consist of a majority of members of the work group
20 entitled to vote on the matter under consideration. Approval of any
21 matter shall require the affirmative vote of a majority of the members
22 voting thereon. The quorum must include a proportionate number of
23 members with lived experiences that is equal to or greater than the
24 proportion of the work group as a whole.

25 9. The work group shall be authorized to adopt by-laws for the manage-
26 ment and regulation of its affairs.

27 10. The statewide person-centered mental health services work group
28 shall develop the recommendations for:

29 (a) A regional and statewide mental health planning system to:

30 (i) Establish regional short and long-range strategic goals and strat-
31 egies that integrate behavioral health and physical health;

32 (ii) Ensure that persons with lived experiences have a leadership role
33 in the development of these goals;

34 (iii) Ensure adoption through a community consensus process;

35 (iv) Identify measurable outcomes, accountability, and funding for the
36 strategic goals; and

37 (v) Ensure there is a transparent annual evaluation and quality
38 improvement process that is consistent across all regions.

39 (b) Establishing a statewide clearinghouse of best practices to be
40 posted publicly, regularly updated, and on the office of mental health,
41 the office of addiction services and supports, the department of health,
42 and the New York city department of health and mental hygiene websites
43 to ensure the implementation of programs that have proved effective in
44 one region could be scaled up across the entire system.

45 (c) Establishing an annual budgeting system to ensure regional-identi-
46 fied priorities are adequately funded.

47 (d) A bill, to be called the "person-centered mental health services
48 act" that authorizes the establishment of planning, implementation,
49 funding, evaluation, and recommendations of services, supports, and
50 outcomes for people who use the public behavioral health systems that
51 are consistent with the recommendations of the work group.

52 11. In carrying out its functions, the work group shall foster
53 discussions among, and conduct formal public hearings with requisite
54 public notice to solicit input from, local stakeholders' interests. It
55 will conduct research and evaluate strategic planning tools and tech-
56 niques used in the public sphere that have proven to be effective in

1 soliciting and incorporating meaningful community input into comparable
2 regional plans and meet the requirements described in paragraph (a) of
3 subdivision ten of this section.

4 12. (a) The commissioners of the office of mental health, the office
5 of addiction services and supports, the department of health, and the
6 New York city department of health and mental hygiene shall designate a
7 sufficient number of employees of their offices as are reasonably neces-
8 sary to provide support services to the statewide work group and its
9 efforts. The work group may employ additional staff and consultants, who
10 shall be paid from amounts available to the work group for that purpose.

11 (b) The commissioners of the office of mental health, the office of
12 addiction services and supports, the department of health, and local
13 county health care agencies shall appoint representatives of their
14 respective offices to serve as a liaison between their offices and the
15 work group. All state agencies, public authorities and public benefit
16 corporations shall provide such assistance as may be reasonably
17 requested.

18 13. The work group's tasks shall be supported by an independent
19 outside consulting firm that possesses the requisite experience and
20 expertise in human-centered design, design thinking, or related
21 concepts. The firm shall be selected by a majority vote of the work
22 group from a list of three candidates identified through a request for
23 proposal process overseen by the department of health.

24 14. Deliberations, meetings and other proceedings of the work group,
25 and any committees thereof, shall be governed by article 7 of the public
26 officers law. Any one or more members of the work group may participate
27 in a meeting by means of a conference telephone, conference video or
28 similar communications equipment allowing all persons participating in
29 the meeting to hear each other at the same time. Participation by such
30 means shall constitute presence in person at a meeting. At any meetings
31 of the work group conducted by means of a conference telephone, confer-
32 ence video or similar communications equipment, other than executive
33 sessions, the public shall be given an opportunity to listen. If a
34 meeting other than an executive session is to be conducted by means of a
35 conference telephone, conference video or similar communications equip-
36 ment, the public notice for the meeting shall inform the public that
37 such equipment will be used and identify the means by which the public
38 may listen to such meeting.

39 15. (a) Upon consideration of factors identified in subdivision ten of
40 this section, the work group shall develop recommendations for reform of
41 the state's local mental health planning process to ensure it is
42 informed by consumers and reflective of local needs.

43 (b) The work group shall transmit a report containing these specific
44 recommendations to the governor and the legislature on or before Novem-
45 ber 1, 2025. The report and recommendations shall simultaneously be
46 posted on the websites of the office of mental health, the office of
47 addiction services and supports, and the department of health, as well
48 as distributed to the public via the same media channels used to
49 announce major program or policy changes, or procurement opportunities.

50 16. The work group's annual budget is five million dollars, subject to
51 an appropriation therefor. In the furtherance of its duties, the work
52 group shall be authorized to expend not more than the approved annual
53 budget for reasonable and standard consulting and research fees, tech-
54 nology devices, travel and lodging, compensation of members eligible as
55 described in subdivision seven of this section, and any other items

1 considered essential for its work. The work group may make a request for
2 additional funding to the office of mental health, as needed.

3 17. The work group shall be authorized and entitled to receive any
4 grants offered pursuant to section 54 of the state finance law.

5 18. (a) If any clause, sentence, paragraph, subdivision, section, or
6 part of this act shall be adjudged by any court of competent jurisdic-
7 tion to be invalid, such judgment shall not affect, impair, or invali-
8 date the remainder thereof, but shall be confined in its operation to
9 the clause, sentence, paragraph, subdivision, section or part thereof
10 directly involved in the controversy in which such judgment shall have
11 been rendered.

12 (b) It is hereby declared to be the intent of the legislature that
13 this act would have been enacted even if such invalid provisions had not
14 been included herein.

15 § 2. This act shall take effect immediately.