

# STATE OF NEW YORK

9779

## IN ASSEMBLY

April 9, 2024

Introduced by M. of A. SANTABARBARA -- read once and referred to the  
Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to requiring the  
office for people with developmental disabilities to submit an updated  
waitlist and placement report to the senate and assembly

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 13.28 to read as follows:

3 § 13.28 Office for people with developmental disabilities; residential  
4 waitlist and placement report.

5 The office shall submit by January first, two thousand twenty-five,  
6 and every six months thereafter, an updated waitlist and placement  
7 report to the temporary president of the senate and the speaker of the  
8 assembly, including the following information:

9 (a) Such waitlist information shall include the statewide number of  
10 individuals awaiting placement broken down into the total number of  
11 individuals from within each developmental disability services office's  
12 geographic area who await residential placement and are expected to  
13 require such placement within the next year. Such information shall be  
14 grouped by the age of the individual awaiting placement and the age of  
15 their caregiver, if any. Such information shall also include:

16 1. the type of placement such individuals are expected to require  
17 divided into certified out-of-home, supervised, supportive placement and  
18 the number of such persons who are medically frail requiring intensive  
19 medical care;

20 2. non-certified residential placement outside of the parent's or  
21 parents' or other caregiver's home; and

22 3. the number of individuals expected to require home and community  
23 based services waiver-funded habilitation services at-home;

24 (b) Such placement information shall include:

25 1. the total number of individuals placed within each of the settings  
26 listed in paragraphs one, two and three of subdivision (a) of this

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

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1 section during the six months preceding the date of release of the  
2 report required pursuant to subdivision (c) of this section; and

3 2. the total number of individuals, who are not included on the wait-  
4 list, placed within each of the settings listed in paragraphs one, two  
5 and three of subdivision (a) of this section during the six months  
6 preceding the date of release of the report required pursuant to subdivi-  
7 vision (c) of this section, and the reasons for such placements;

8 (c) The commissioner shall report the number of individuals who are  
9 currently placed in a residential program, whose current living situ-  
10 ation is not adequate to meet their needs and who are awaiting an alter-  
11 native placement. These individuals shall be divided according to:

12 1. the number and age of such individuals;

13 2. the settings listed in paragraphs one, two and three of subdivision  
14 (a) of this section; and

15 3. the number of children in residential placements expected to age  
16 out of such placements within a year and plans for continuing their  
17 placements as adults;

18 (d) The number of individuals whose placement failed or who have asked  
19 for an alternative placement, either themselves or through their parent  
20 or guardian acting on their behalf, over the six month period preceding  
21 the date of release of a report, with categorical descriptions of the  
22 reasons for such results and any actions taken or planned to remedy such  
23 situation;

24 (e) The cost of placements made during the period of such report  
25 divided into costs attributable to supervised, supportive, at-home resi-  
26 dential placements or other placements;

27 (f) The appropriation authority used to fund placements made during  
28 the period of the report, including the year of the original appropri-  
29 ation and balance of remaining funds in such appropriation by category  
30 such as OPTS, NYS-CARES or other categories;

31 (g) Projected funding requirements for individuals remaining on the  
32 waiting list;

33 (h) An updated five year projection of individuals who will require  
34 out-of-home residential placement and a five year projection of individ-  
35 uals who require additional in-home supports;

36 (i) A plan for meeting the out-of-home residential placement needs  
37 shall also be developed and shall specify the type of placements accord-  
38 ing to such settings listed in paragraphs one, two and three of subdivi-  
39 sion (a) of this section; and

40 (j) Any other information deemed necessary by the commissioner.

41 § 2. This act shall take effect immediately.