

STATE OF NEW YORK

2897

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on 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 Assembly, 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:

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

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1 1. the total number of individuals placed within each of the settings
2 listed in paragraphs one, two and three of subdivision (a) of this
3 section during the six months preceding the date of release of the
4 report required pursuant to subdivision (c) of this section; and

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

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

14 1. the number and age of such individuals;

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

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

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

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

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

33 (g) Projected funding requirements for individuals remaining on the
34 waiting list;

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

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

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

43 § 2. This act shall take effect immediately.