

STATE OF NEW YORK

9523

IN SENATE

May 16, 2024

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the mental hygiene law, in relation to establishing a co-occurring disorders patient bill of rights; and making an appropriation therefor

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 19.47 to read as follows:

3 § 19.47 Co-occurring disorders patient bill of rights.

4 The office shall, in conjunction with state agencies which interact
5 with persons with co-occurring disorders including, but not limited to,
6 the office of mental health, department of social services, office of
7 children and family services, department of corrections, department of
8 health, department of financial services, and the department of educa-
9 tion:

10 1. Adopt a co-occurring disorders patient bill of rights and implement
11 such bill of rights as policy. Such bill of rights shall include, but
12 not be limited to:

13 a. the right to be welcomed/nondiscrimination: Individuals and fami-
14 lies seeking and receiving treatment for co-occurring disorders shall
15 receive services without regard to age, race, color, sexual orientation,
16 religion, marital status, sex, disability, gender identity, national
17 origin, payment source or any other protected basis.

18 b. the right to have co-occurring disorders needs accurately recog-
19 nized: Individuals with co-occurring disorders, and their families,
20 shall receive appropriate screening for the presence of co-occurring
21 disorders, accurate documentation of the results of that screening,
22 complete access to their health records and cost estimates, and timely
23 access to competent re-assessments when needed.

24 c. the right to receive co-occurring disorders services matched to
25 needs: Individuals shall receive integrated, co-occurring disorders
26 capable services for their co-occurring mental health and substance use
27 disorder conditions that are appropriately matched to their needs and

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

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1 preferences, including, but not limited to acuity, severity, and stage
2 of change for each condition. This right shall apply to mental health
3 and/or substance use disorder addiction programs for adults and/or chil-
4 dren and youth in hospital-based, residential, community-based settings
5 and at school-based mental health satellites.

6 d. the right to receive the highest quality of co-occurring disorders
7 treatment: In every setting, individuals and families shall receive
8 high-quality evidence-based co-occurring disorders services, including a
9 full array of best and promising practices for medication and non-medi-
10 cation interventions for both mental health and substance use disorder
11 needs.

12 e. the right to continuity of care: Individuals with co-occurring
13 disorders, and their families, shall receive appropriately matched help
14 for both conditions for as long as they need that help. The expectation
15 that individuals can rely on self-help after only a single episode of
16 care in a program with limited length of stay shall be deemed inappro-
17 priate for people who are likely to have not one, but two persistent
18 conditions that may require help for an extended time-period.

19 f. the right to help and hope for family and loved ones: Families
20 shall be involved in contributing to the care of their loved ones, and
21 receiving quality education, support, and treatment to help them heal.

22 g. the right for people at risk to have access to prevention: Young
23 people with either mental health or substance use disorder are at higher
24 risk of developing co-occurring disorders, and their families, and shall
25 receive educational and preventive interventions as soon as possible in
26 both normative settings, including but not limited to schools, and in
27 treatment settings, including but not limited to behavioral health
28 programs treating children and youth.

29 h. the right to accountability and redress: Consumers shall receive
30 services within a fully transparent system where payors, providers and
31 government work in partnership, guided by input from people and families
32 with lived experience.

33 i. the right to a peer advocate: People with co-occurring disorders
34 shall receive peer support services providing hope, advocacy, and
35 systems navigation. To adequately serve people with co-occurring disor-
36 ders, such peer support services shall include, but not be limited to, a
37 robust and collaborative peer workforce with diverse and specialized
38 lived expertise as well as cross-training, ensuring person-driven,
39 recovery-oriented, trauma-informed, culturally fluent services.

40 j. the right to receive services from adequately resourced providers:
41 People with co-occurring disorders needs shall receive services from
42 providers of all types who are paid appropriately to serve those with
43 the greatest need.

44 k. the right to safe housing: People with co-occurring disorders and
45 without access to a permanent residence shall receive safe supportive
46 housing that is recovery-oriented, and encourages independence.

47 2. Submit a report to the legislature and the governor on the status
48 of integrated services delivery in New York, including state operated,
49 contracted, and regulated services in each region of the state. This
50 report shall include, but not be limited to:

51 a. the best available data on the prevalence of co-occurring disor-
52 ders, whether diagnosed or not, in the current service population,
53 including the population of children receiving mental health services
54 whose parents or caregivers have substance use challenges.

55 b. indications as to whether the available prevalence data matches
56 expected prevalence based on national benchmarks, or whether the popu-

1 lation is currently underrecognized, and if the latter, a plan to
2 improve the accuracy of data over time.

3 c. best available current information on the degree to which current
4 mental health and substance use disorders are co-occurring use disor-
5 ders, using accepted measures of "co-occurring disorders capability" or
6 "integrated treatment" as appropriate for the programs being measured,
7 as well as the degree of integration of both mental health and substance
8 use disorders into primary care. Substance use disorder programs shall
9 be evaluated according to the code of conduct and code of ethics stand-
10 ards in the American Society of Addiction Medicine's PCC 4th Edition.

11 3. Develop a five-year plan for implementing the co-occurring disor-
12 ders bill of rights as well as an annual report of progress after each
13 year, and then a five-year report summarizing the entire five-year plan
14 with the next five-year plan. Such five-year plan shall:

15 a. illustrate a step-by-step implementation science approach to making
16 significant progress toward universal co-occurring disorders service
17 delivery, build on the current baseline, and use system improvement
18 strategies that work primarily through leveraging existing resources
19 more effectively to support integrated service delivery.

20 b. include steps that address changes in regulatory language, contract
21 language, funding instructions, program design and improvement, clinical
22 practice and competency development, and inter-program collaboration and
23 partnership within each community or region.

24 c. include clear explanations for how existing funding streams,
25 including, but not limited to, federal block grant, Medicaid, state
26 funding, Opioid Settlement funds, insurance plans, and correctional
27 funds shall each be designed over time to support co-occurring disorders
28 service delivery.

29 d. be designed so that continuous improvement is built into existing
30 infrastructure to ensure sustainability over time.

31 e. include delineation of anticipated additional resource needs for
32 developing supportive elements into the system of care including, but
33 not limited to, state co-occurring disorders center of excellence with
34 seven regional co-occurring disorders centers. These centers shall
35 provide training, consultation, and technical assistance to support
36 development of universal co-occurring disorders capability in their
37 regions. These centers shall also evaluate and quantify the need for
38 additional resources within their regions for specialized, co-occurring
39 disorders enhanced, evaluation centers, and specialized co-occurring
40 disorders enhanced residential and community based treatment programs,
41 including, but not limited to, housing supports and peer supports, that
42 are designed to respond to the subset of individuals with co-occurring
43 disorders who have the most complex challenges and severe disabilities,
44 as well as those who are non-English speaking.

45 f. include system efforts to scale to improve prevention and early
46 intervention for co-occurring disorders, with a particular focus on at
47 risk youth, by integrating current prevention efforts to address both
48 mental health and substance use disorder issues together on a more regu-
49 lar basis and by providing broad education on co-occurring disorders to
50 youth, families, schools, and other youth service providers.

51 4. Identify the need for additional resources. Although substantial
52 improvement can occur in integrated service delivery through better
53 leverage of existing resources, there will be additional resources need-
54 ed to support implementation of the plan, as well as resources for
55 developing specialized or co-occurring disorders enhanced services where
56 there are significant gaps that may remain even when existing services

1 are improved, particularly for the most seriously affected populations.
2 The office shall, on or before January first of each year, submit to the
3 legislature and the governor the additional resources required to
4 support the implementation of the provisions of this section for the
5 upcoming fiscal year which shall be appropriated for such purposes;
6 provided however, such funds shall only be appropriated if the five-year
7 plan for implementing the co-occurring disorders bill of rights under
8 subdivision three of this section includes specific recommendations for
9 what funding will be needed for each year of implementation, and how
10 such funding will help leverage all current funding to improve inte-
11 grated service delivery so as to improve outcomes for the population.

12 § 2. The sum of two million dollars (\$2,000,000), or so much thereof
13 as may be necessary, is hereby appropriated to the office of addiction
14 services and supports out of any moneys in the state treasury in the
15 general fund to the credit of the state purposes account not otherwise
16 appropriated, for its expenses, including personal service, maintenance
17 and operation in carrying out the provisions of this act. Such moneys
18 shall be payable on the audit and warrant of the comptroller on vouchers
19 certified or approved by the commissioner of the office of addiction
20 services and supports or such commissioner's designee, in the manner
21 prescribed by law.

22 § 3. This act shall take effect on the ninetieth day after it shall
23 have become a law. Effective immediately, the addition, amendment and/or
24 repeal of any rule or regulation necessary for the implementation of
25 this act on its effective date are authorized to be made and completed
26 on or before such effective date.