

# STATE OF NEW YORK

159

2023-2024 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 4, 2023

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 establishing the  
statewide group home families working group

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

1 Section 1. Section 13.03 of the mental hygiene law is amended by  
2 adding a new subdivision 3 to read as follows:

3 3. "group home" means a community residence serving people with devel-  
4 opmental disabilities.

5 § 2. The mental hygiene law is amended by adding a new section 13.05-a  
6 to read as follows:

7 § 13.05-a Statewide group home families working group.

8 (a) There is hereby established a statewide group home families work-  
9 ing group. The statewide group home families working group shall consist  
10 of twenty members selected, in consultation with the commissioner, from  
11 among qualified applicants or nominees as follows:

12 1. Seven members selected by the temporary president of the senate;

13 2. Seven members selected by the speaker of the assembly;

14 3. Three members selected by the minority leader of the senate; and

15 4. Three members selected by the minority leader of the assembly.

16 (b) One representative of the applicable regional developmental disa-  
17 bilities services office shall sit as an ex officio member of the state-  
18 wide group home families working group at each regional meeting pursuant  
19 to subdivision (i) of this section.

20 (c) Members shall be persons with developmental disabilities residing  
21 in group homes or family members or guardians of persons with develop-  
22 mental disabilities residing in group homes. The commissioner shall  
23 provide for an appropriate and timely application process to facilitate  
24 selection of members.

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

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1 (d) The statewide group home families working group shall have a  
2 chairperson, who shall be elected by a majority vote of the members of  
3 the statewide group home families working group.

4 (e) Members shall be appointed for terms of three years. Vacancies  
5 shall be filled in the same manner as original appointments for the  
6 remainder of the unexpired term. The designation of a member as chair  
7 shall be made biannually.

8 (f) The statewide group home families working group shall have no  
9 executive, administrative or appointive duties. The duties of the state-  
10 wide group home families working group shall include, but not be limit-  
11 ed to:

12 1. Informing and advising the commissioner as to matters of importance  
13 for persons with developmental disabilities residing in group homes and  
14 their families and guardians;

15 2. Providing recommendations for statewide and regional priorities and  
16 goals for individuals residing in group homes and families and guardians  
17 of individuals residing in group homes;

18 3. Advising the commissioner on such other matters related to group  
19 homes as the statewide group home families working group deems relevant;  
20 and

21 4. Holding regional public meetings in accordance with subdivision (i)  
22 of this section to solicit and receive input from residents of group  
23 homes and family members and guardians of residents of group homes  
24 regarding the operation of group homes, including but not limited to  
25 care provided and financial matters.

26 (g) The statewide group home families working group shall establish  
27 such committees as deemed necessary by the chair.

28 (h) The statewide group home families working group shall meet at  
29 least four times in each full calendar year and at least once during  
30 each calendar quarter in addition to the regional public meetings held  
31 in accordance with subdivision (i) of this section at the request of its  
32 chair within ten days of receiving written notice of such meeting. In  
33 addition, the statewide group home families working group may hold  
34 special meetings at the request of its chair or the commissioner within  
35 ten days of receiving written notice of such meeting.

36 (i) 1. In addition to the regular meetings as provided for by subdivi-  
37 sion (h) of this section, the statewide group home families working  
38 group shall hold at least one public regional meeting annually in each  
39 city, town or village where a developmental disabilities services office  
40 is located, pursuant to subdivision (b) of section 13.17 of this arti-  
41 cle, for the purposes of providing a forum for persons with develop-  
42 mental disabilities who are residing in group homes, family and guardi-  
43 ans of persons with developmental disabilities residing in group homes,  
44 persons representing group homes, advocates for persons with develop-  
45 mental disabilities residing in group homes and other interested parties  
46 to comment and advise regarding the operation of group homes, including  
47 but not limited to care provided and financial matters.

48 2. Notice of a public regional meeting and a printed agenda, which may  
49 be subject to later amendment, shall be made available to the public at  
50 least fifteen days in advance of such regional meeting, including by  
51 publication by the commissioner on the office's website.

52 3. At such public regional meetings, interested parties shall be  
53 provided reasonable opportunity, both orally and in writing, to comment  
54 regarding the operation of group homes, including but not limited to  
55 care provided and financial matters.

1 4. The statewide group home families working group and each applicable  
2 developmental disabilities services office shall collaborate in the  
3 fulfillment of the duties set forth in this subdivision.

4 (j) Members of the statewide group home families working group shall  
5 receive no compensation for their services but shall be reimbursed for  
6 all expenses actually and necessarily incurred by them in the perform-  
7 ance of their duties.

8 (k) The statewide group home families working group shall submit by  
9 January thirtieth, two thousand twenty-five, and annually thereafter,  
10 reports to the commissioner, the governor and the legislature reviewing  
11 and analyzing matters of concern related to group homes. Such reports  
12 shall include, but not be limited to, a review of comments made at  
13 regional meetings of the statewide group home families working group,  
14 other matters of importance deemed relevant to persons with develop-  
15 mental disabilities residing in group homes and family and guardians of  
16 persons with developmental disabilities residing in group homes; and a  
17 description of recommendations for future action by the state.

18 (l) The statewide group home families working group shall regularly  
19 communicate with the commissioner regarding its actions and duties and  
20 shall fulfill its obligations under this section in collaboration with  
21 the commissioner. The commissioner shall provide assistance to the  
22 statewide group home families working group in the fulfillment of its  
23 duties upon the reasonable request of the statewide group home families  
24 working group.

25 § 3. Paragraph 1 of subdivision (b) of section 5.07 of the mental  
26 hygiene law, as amended by section 3 of part N of chapter 56 of the laws  
27 of 2012, subparagraphs f and g as amended and subparagraph h as added by  
28 section 3 of part V of chapter 57 of the laws of 2021, is amended to  
29 read as follows:

30 (1) The office of mental health, the office for people with develop-  
31 mental disabilities and the office of [~~alcoholism and substance abuse~~  
32 ~~services~~] addiction services and supports shall formulate a statewide  
33 comprehensive five-year plan for the provision of all state and local  
34 services for persons with mental illness, developmental disabilities,  
35 and/or those with substance use or compulsive gambling disorders. The  
36 statewide comprehensive plan shall be based upon an analysis of local  
37 services plans developed by each local governmental unit, in consulta-  
38 tion with consumers, consumer groups, providers of services and depart-  
39 mental facilities that furnish behavioral health services in conformance  
40 with statewide priorities and goals established with recommendations of  
41 the behavioral health services advisory council [~~and~~], the advisory  
42 council on developmental disabilities and the statewide group home fami-  
43 lies working group. The plan shall:

44 a. identify statewide priorities;

45 b. specify statewide goals that reflect the statewide priorities and  
46 are focused on obtaining positive measurable outcomes;

47 c. propose strategies and initiatives to address the priorities and  
48 facilitate achievement of statewide goals;

49 d. identify services and supports, which may include programs run or  
50 led by peers, that are designed to promote the health and wellness of  
51 persons with mental illness, developmental disabilities, and/or  
52 substance use or compulsive gambling disorders;

53 e. provide analysis of current and anticipated utilization of state  
54 and local, and public and private facilities, programs, services, and/or  
55 supports;

1 f. encourage and promote person-centered, culturally and linguis-  
2 tically competent community-based programs, services, and supports that  
3 reflect the partnership between state and local governmental units;

4 g. include progress reports on the implementation of both short-term  
5 and long-term recommendations of the children's plan required pursuant  
6 to section four hundred eighty-three-f of the social services law; ~~and~~

7 h. include final reports for time-limited demonstration programs  
8 pursuant to subdivision (d) of section 41.35 of this chapter; ~~and~~

9 i. include a discussion of the recommendations made by the behavioral  
10 health services advisory council, the advisory council on developmental  
11 disabilities and the statewide group home families working group.

12 § 4. Paragraph 4 of subdivision (b) of section 5.07 of the mental  
13 hygiene law, as amended by chapter 412 of the laws of 2021, is amended  
14 to read as follows:

15 (4) The commissioners of each of the offices shall be responsible for  
16 the development of such statewide five-year plan for services within the  
17 jurisdiction of their respective offices and after giving due notice  
18 shall conduct one or more public hearings on such plan. The behavioral  
19 health services advisory council ~~and~~, the advisory council on develop-  
20 mental disabilities and the statewide group home families working group  
21 shall review the statewide five year comprehensive plan developed by  
22 such office or offices and report its recommendations thereon to such  
23 commissioner or commissioners. Each commissioner shall submit the plan,  
24 with appropriate modifications, to the governor no later than the first  
25 day of November of each year in order that such plan may be considered  
26 with the estimates of the offices for the preparation of the executive  
27 budget of the state of New York for the next succeeding state fiscal  
28 year. Such comprehensive plan shall be submitted to the legislature and  
29 also be posted to the website of each office. Statewide plans shall  
30 ensure responsiveness to changing needs and goals and shall reflect the  
31 development of new information and the completion of program evalu-  
32 ations. An interim report detailing the commissioner's actions in  
33 fulfilling the requirements of this section in preparation of the plan  
34 and modifications in the plan of services being considered by the  
35 commissioner shall be submitted to the governor and the legislature on  
36 or before the fifteenth day of March of each year. Such interim report  
37 shall include, but need not be limited to:

38 (a) actions to include participation of consumers, consumer groups,  
39 providers of services and departmental facilities, as required by this  
40 subdivision; and

41 (b) any modifications in the plan of services being considered by the  
42 commissioner, to include: (i) compelling budgetary, programmatic or  
43 clinical justifications or other major appropriate reason for any  
44 significant new statewide programs or policy changes from a prior  
45 (approved) five year comprehensive plan; and (ii) procedures to involve  
46 or inform local governmental units of such actions or plans.

47 § 5. This act shall take effect on the sixtieth day after it shall  
48 have become a law.