STATE OF NEW YORK

8820

IN SENATE

March 15, 2024

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed 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:

Section 1. Statewide person-centered mental health services work group. 1. There is hereby created person-centered mental health services work group to examine, evaluate, determine, recommend, and oversee implementation of how 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.

2. The work group shall consist of twenty statewide members, four ex officio members, and twenty-eight regional representative members, appointed as follows:

(a) Statewide members. Statewide members shall be appointed within sixty days of the effective date of this act:

(i) three members shall be appointed by the temporary president of the senate, one of which must be a peer or consumer representative;

(ii) three members shall be appointed by the speaker of the assembly, one of which must be a peer or consumer representative;

(iii) two members shall be appointed by the minority leader of the senate;

(iv) two members shall be appointed by the minority leader of the assembly;

(v) three members shall be appointed by the governor, one of which must be a peer or consumer representative;

(vi) three members shall be appointed by the council of local mental hygiene directors;

(vii) two members shall be appointed by the behavioral health services advisory council; and

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

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

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

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

(1) Region 1: Capital;

(2) Region 2: Western;

(3) Region 3: Hudson Valley;

(4) Region 4: New York City;

(5) Region 5: Finger Lakes;

(6) Region 6: Southern Tier;

(7) Region 7: Central;

(8) Region 8: Long Island;

(9) Region 9: North Country.

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

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

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

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

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

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

(a) the director of recipient affairs from any local or state governmental unit;

(b) representatives of trade associations representing housing and service providers, hospital associations, and health insurance companies;

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

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

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

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

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

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

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

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

(i) Establish regional short and long-range strategic goals and strategies that integrate behavioral health and physical health;

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

(iii) Ensure adoption through a community consensus process;

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

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

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

(c) Establishing an annual budgeting system to ensure regional-identified priorities are adequately funded.

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

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

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

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

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

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

14. Deliberations, meetings and other proceedings of the work group, and any committees thereof, shall be governed by article 7 of the public officers law. Any one or more members of the work group may participate in a meeting by means of a conference telephone, conference video or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting. At any meetings of the work group conducted by means of a conference telephone, conference video or similar communications equipment, other than executive sessions, the public shall be given an opportunity to listen. If a meeting other than an executive session is to be conducted by means of a conference telephone, conference video or similar communications equipment, the public notice for the meeting shall inform the public that such equipment will be used and identify the means by which the public may listen to such meeting.

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

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

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

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

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

18. (a) If any clause, sentence, paragraph, subdivision, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

§ 2. This act shall take effect immediately.