STATE OF NEW YORK

8982

2025-2026 Regular Sessions

IN ASSEMBLY

August 13, 2025

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

AN ACT to amend the mental hygiene law, in relation to requiring a residential transition conference when a person with developmental disabilities transfers from one program run by a covered operator to another program run by a covered operator

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

Section 1. The mental hygiene law is amended by adding a new section 16.39 to read as follows:

§ 16.39 Residential transition conferences.

(a) Definitions. For the purposes of this section, the following terms shall have the following meanings:

(1) "covered operator" shall mean any holder of an operating certificate issued pursuant to this article that provides residential services, any organization providing residential services whose incorporation or activities require the approval of the commissioner, or any program funded or administered by the office that provides residential services.

(2) "individualized service plan" or "life plan" shall mean a written document that outlines a person with developmental disabilities': goals and desired outcomes; habilitation goals; strengths and preferences; assessed clinical and support needs (whether paid or unpaid); services and providers; and safeguards, including back-up plans and strategies.

(b) It shall be the duty of every covered operator to participate in a residential transition conference before a person with developmental disabilities enters such covered operator's residential program from a program run by another covered operator or leaves their residential program for a program run by another covered operator. Attendance at such conference shall include:

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

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(1) the covered operator who currently serves a person with developmental disabilities;

(2) the covered operator who will serve such person with developmental disabilities after the transition;

(3) the person with developmental disabilities who is entering or leaving such residential program, unless such person's attendance is contraindicated for reasons of health or safety;

(4) the person with developmental disabilities' family, unless such person objects to their family's attendance;

(5) the person with developmental disabilities' guardian or legal representative; and

(6) the person with developmental disabilities' care manager.

(c) (1) The purpose of the residential transition conference shall be for the covered operator who currently serves the person with developmental disabilities to review and discuss such person's life plan with the covered operator who will be serving the individual after the completion of the transition, as well as to provide the other attendees of such conference with an opportunity to ask questions or provide additional information regarding such life plan to the covered operator who will be serving the individual after the completion of the transition.

(2) At the conclusion of the residential transition conference, both covered operators shall complete and sign a form promulgated by the commissioner summarizing the contents of the conference. The completed form and any relevant accompanying documents shall be transmitted to the office in a manner specified by the office. Copies of the completed form and any accompanying materials shall be provided to the person with developmental disabilities, such person's legal representative, and both covered operators. The copies received by the covered operators shall be retained as part of the person with developmental disabilities' records.

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