

STATE OF NEW YORK

5385

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. TAPIA -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law and the social services law, in relation to enacting the "mental health shelter placement accuracy and support act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "mental health shelter placement accuracy and support act".

3 § 2. Section 33.13 of the mental hygiene law is amended by adding a
4 new subdivision (g) to read as follows:

5 (g) 1. Information contained within the office of mental health's
6 psychiatric services and clinical knowledge enhancement system (PSYCKES)
7 and similar state-managed mental health databases may be disclosed to
8 authorized personnel engaged in shelter placement and support services
9 for individuals who are homeless or at risk of homelessness, provided
10 that:

11 (i) such disclosure is limited to information necessary for determin-
12 ing appropriate shelter placement and mental health support services;

13 (ii) the information disclosed complies with all federal and state
14 confidentiality laws, including but not limited to the Health Insurance
15 Portability and Accountability Act (HIPAA);

16 (iii) authorized personnel accessing such information exercise
17 complete privacy, confidentiality, and undergo mental health training as
18 developed by the office of mental health;

19 (iv) data access is logged, and records are maintained for auditing
20 purposes to ensure compliance with all relevant laws, rules, and regu-
21 lations; and

22 (v) data access is subject to periodic audits conducted by an over-
23 sight body to ensure compliance with privacy protections and to prevent
24 misuse of information.

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

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1 2. The commissioner of mental health shall determine by rule or regu-
2 lation individuals to be qualified as authorized personnel under para-
3 graph one of this subdivision, and a method for determining individuals
4 who are at risk of homelessness under paragraph one of this subdivision.

5 § 3. The social services law is amended by adding a new section 131-vv
6 to read as follows:

7 § 131-vv. Shelter placement protocols and oversight committee. 1. To
8 facilitate implementation of the provisions of subdivision (g) of
9 section 33.13 of the mental hygiene law, the office of temporary and
10 disability assistance, in consultation with the office of mental health,
11 shall:

12 (a) establish written protocols authorizing shelter placement and
13 support workers to access PSYCKES and related mental health databases to
14 facilitate appropriate shelter placement decisions and the provision of
15 support services;

16 (b) ensure that access under paragraph (a) of this subdivision is
17 limited to personnel directly involved in shelter placement and support,
18 subject to a written agreement outlining the scope and limitations of
19 access;

20 (c) require all personnel accessing databases under paragraph (a) of
21 this subdivision to complete comprehensive training on data confiden-
22 tiality, mental health support, and trauma-informed care, as well as
23 cultural competency and bias mitigation training;

24 (d) implement a monitoring system to ensure compliance with access and
25 privacy regulations, including penalties for unauthorized access or
26 misuse of data; and

27 (e) develop and maintain a system for providing non-identifying,
28 aggregate data to evaluate the effectiveness of PSYCKES access in
29 improving shelter placements and support services.

30 2. The office of temporary and disability assistance, in collaboration
31 with the office of mental health, shall establish an oversight committee
32 to be comprised of representatives from the office of temporary and
33 disability assistance, the office of mental health, privacy advocates,
34 mental health professionals, shelter providers, and individuals with
35 lived experience of homelessness. Such committee shall monitor the
36 implementation of this section and the provisions of subdivision (g) of
37 section 33.13 of the mental hygiene law to address concerns and recom-
38 mend improvements.

39 3. No later than one year after the effective date of this section,
40 and annually thereafter, the office of temporary and disability assist-
41 ance, in collaboration with the office of mental health, shall submit a
42 report to the legislature detailing the following:

43 (a) the number of authorized personnel accessing PSYCKES and related
44 databases;

45 (b) aggregate data on how access to PSYCKES has impacted shelter
46 placement outcomes;

47 (c) instances of data breaches or unauthorized access and corrective
48 actions taken;

49 (d) recommendations for improving the program.

50 4. For the purposes of this section, the term "PSYCKES" means the
51 office of mental health's psychiatric services and clinical knowledge
52 enhancement system.

53 § 4. 1. The office of mental health, in collaboration with the office
54 of temporary and disability assistance, shall conduct a review of the
55 effectiveness of the provisions of subdivision (g) of section 33.13 of
56 the mental hygiene law and section 131-vv of the social services law, as

1 added by sections one and two of this act, focusing on shelter placement
2 outcomes, compliance with privacy laws, and stakeholder feedback.

3 2. No later than 3 years after the effective date of this act, the
4 office of mental health, in collaboration with the office of temporary
5 and disability assistance, shall submit a report to the legislature on
6 its findings under subdivision one of this section, along with any
7 recommendations for necessary legislative action.

8 § 5. This act shall take effect on the one hundred eightieth day after
9 it shall have become a law. Effective immediately, the addition, amend-
10 ment and/or repeal of any rule or regulation necessary for the implemen-
11 tation of this act on its effective date are authorized to be made and
12 completed on or before such effective date.