**§ 13.05 Developmental disabilities advisory council.**

(a) There is hereby established a developmental disabilities advisory council. The council shall consist of the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, and at least thirty-three members to be appointed by the governor. Beginning on and after June thirtieth, two thousand twenty-two, the council shall consist of thirty-five members, including the commissioner, the chairman of the conference of local mental hygiene directors or his or her designee, four members to be appointed by the temporary president of the senate, four members to be appointed by the speaker of the assembly, one member to be appointed by the minority leader of the senate, one member to be appointed by the minority leader of the assembly and twenty-three members to be appointed by the governor. Any current member shall be allowed to finish his or her term. The commissioner shall oversee and assist with the transition to the makeup of the council after such date, ensuring that as current members' terms expire, the council appoints members in the manner set forth in this subdivision. Members shall be appointed only if they have demonstrated an active interest in or have obtained professional knowledge in the care of persons with developmental disabilities or in the field of developmental disabilities generally. The governor shall designate one of the appointed members as chair. The council shall at all times include in its membership representatives of community service board developmental disabilities subcommittees, providers of services and non-governmental organizations concerned with services for persons with developmental disabilities. At least one-third of the membership of the advisory council shall consist of consumer representatives including persons with developmental disabilities, or their parents or guardians.

(b) Members shall be appointed for terms of three years provided, however, that of the members first appointed, one-third shall be appointed for one year terms and one-third shall be appointed for two year terms. Vacancies shall be filled in the same manner as prescribed in subdivision (a) of this section. The designation of a member as chair shall be made bi-annually.

(c) The developmental disabilities advisory council shall have no executive, administrative or appointive duties. The council shall have the duty to foster public understanding and acceptance of developmental

disabilities. It shall, in cooperation with the commissioner of developmental disabilities, provide recommendations for statewide priorities and goals for services for individuals with developmental disabilities and shall advise the commissioner on matters related to development and implementation of the statewide comprehensive plan as required under section 5.07 of this chapter. The advisory council shall have the power to consider any matter relating to the improvement of the state developmental disabilities program and shall advise the commissioner of developmental disabilities thereon and on any matter relating to the performance of their duties with relation to individuals with developmental disabilities and on policies, goals, budget and operation of developmental disabilities services.

1. The council shall establish such committees as deemed necessary by the chair with advice from the commissioner. Such committees shall consider matters related to the various service populations served, and programs certified by the office, as well as other matters, including planning, fiscal, and consumer affairs. The council shall prepare and issue such reports on its activities as deemed necessary.

2. The council shall meet at least four times in each full calendar year. The council shall meet at the request of its chair or the commissioner.

(d) Members of the advisory council shall receive no compensation for their services but shall be reimbursed for all expenses actually and necessarily incurred by them in the performance of their duties.

(e) At least thirty days prior to his or her final approval of regulations, other than emergency regulations, the commissioner shall submit proposed regulations to the council for its review. The council shall review all proposed regulations and report its recommendations on the proposed regulations to the commissioner within thirty days. Such period may be extended upon the agreement of the commissioner.

(f) The council shall assist the commissioner of developmental disabilities with the development and assessment of the triennial state developmental disabilities plan issued by the office. To ensure the full use of existing specialized and generic services in the community, to ensure that all providers and appropriate local governmental agencies

are involved, and to ensure that local services to persons with developmental disabilities and their families are readily available and accessible, the council shall periodically assess the local planning process and make recommendations thereon to the commissioner and to the council for mental hygiene planning.

* (g) The developmental disabilities advisory council shall produce a report to review the impact and the state's response to the COVID-19 state disaster emergency, as declared by executive order two hundred two of two thousand twenty, as it relates to individuals with intellectual or developmental disabilities. The office and the department of health shall provide technical assistance and access to data as is required for the council to effectuate such review and produce such report. The report shall include, but not be limited to:

(i) a timeline and inventory of any and all relevant executive orders, guidance and regulations put forth by the department of health, the office, the executive or any other agency between March first, two thousand twenty and April first, two thousand twenty-one in response to the COVID-19 outbreak;

(ii) a timeline of any outreach conducted by the office with stakeholders, including self-advocates, family advocates and voluntary providers and what, if any, changes to guidance were made as a result of such communication with stakeholders;

(iii) any actions or guidance the office, the department of health and/or any other agency took to minimize exposure of COVID-19 between residents and staff;

(iv) an inventory of actions the office, the department of health and/or any other agency took to assist in the procurement or provisioning of personal protective equipment for residents and staff in state operated facilities, and facilities operated by voluntary providers. For purposes of this section, "personal protective equipment" shall mean all equipment worn or used to minimize exposure to a communicable disease, including but not limited to gloves, masks and face shields;

(v) an inventory of costs incurred by the office related to responding to COVID-19;

(vi) an inventory of actions the office, the department of health and/or any other agency took to assist underserved communities including

but not limited to racial and ethnic minority communities; and

(vii) specific challenges that were faced with regards to individuals with intellectual and developmental disabilities.

(2) The developmental disabilities advisory council shall also evaluate policies, procedures, and programs that were implemented during the course of the COVID-19 pandemic to determine the efficacy on safety.

(3) The developmental disabilities advisory council shall provide recommendations of changes to any laws or regulations that impeded response to COVID-19 to the legislature.

(4) Such report shall be submitted to the governor, the temporary president of the senate and the speaker of the assembly no later than nine months from the effective date of this subdivision and shall be made publicly available online.

* NB Repealed 10 days after transmission of the report of the findings by the developmental disabilities advisory council to the governor, the temporary president of the senate and the speaker of the assembly

(h) The developmental disabilities advisory council shall publish a comprehensive summary of information about their activities to the office's website annually, in an accessible format. Such information shall include, at minimum:

1. actions taken to foster public understanding and acceptance of developmental disabilities;

2. recommendations made to the commissioner related to statewide priorities and goals for services for individuals with developmental disabilities, and the implementation of the statewide comprehensive plan as required under section 5.07 of this chapter; and

3. any other actions taken by the council related to their duties.