§ 41.16 Local planning; state and local responsibilities.

(a) Each of the offices of the department shall guide and facilitate the process of local planning so that plans for the provision of all services, including state and local services, can be formulated on the basis of approved local plans and federal guidelines related to services for the mentally disabled to reflect the distribution of needs and resources of areas of the state. All providers of services, including facilities of the offices of the department, directors of hospital based mental health services, directors of community mental health centers, and voluntary agencies shall participate in and provide information, including budget data, for local planning processes.

(b) In accordance with regulations established by the commissioner or commissioners of the offices of the department having jurisdiction of the services, which shall provide for prompt action on proposed local services plans, each local governmental unit shall:

1. establish long range goals and objectives consistent with statewide goals and objectives developed pursuant to section 5.07 of this chapter and develop or annually update the local services plan of the local governmental unit or units listing providers, estimated costs and proposed utilization of state resources, including facilities and manpower, which shall be used in part to formulate statewide comprehensive plans for services.

2. submit one local services plan to the single agent of the department jointly designated by the commissioners of the offices of the department annually for approval by the commissioner or commissioners of the office or offices of the department having jurisdiction of the services.

(c) A local services plan shall be developed, in accordance with the regulations of the commissioner or commissioners of the office or offices of the department having jurisdiction of the services by the local governmental unit or units which shall direct and administer a local comprehensive planning process for its geographic area, consistent with statewide goals and objectives established pursuant to section 5.07 of this chapter. The planning process shall involve the directors of any department facilities, directors of hospital based mental health

services, directors of community mental health centers, consumers, consumer groups, voluntary agencies, other providers of services, and local correctional facilities and other local criminal justice agencies. The local governmental unit, or units, shall determine the proposed local services plan to be submitted for approval. If any provider of services including facilities in the department, or any representative of the consumer or community interests within the local planning process, disputes any element of the proposed plan for the area which it serves, the objection shall be presented in writing to the director of the local governmental unit. If such dispute cannot be resolved to the satisfaction of all parties, the director shall determine the plan to be submitted. If requested and supplied by the objecting party, a written objection to the plan shall be appended thereto and transmitted to the single agent of the department jointly designated by the commissioners.

(d) Each commissioner of an office in the department shall review the portion of the local services plan submitted over which his office has jurisdiction and approve or disapprove such plan in accordance with the procedures of subdivision (e) of this section.

(e) 1. There shall be a single process for plan review and approval by the offices of the department which shall provide local governmental units with a comprehensive response to the plans submitted. All portions of the plan to which a commissioner of an office of the department does not object shall be promptly approved and such approvals shall not be delayed pending approval of other portions of the plan which are substantially independent of the non-objectionable portion. Those portions approved by each of the commissioners of the offices of the department having jurisdiction of the services shall be deemed in effect for the period covered by the proposed plan. A portion of the plan, once approved, shall not be amended without the written concurrence of both the director of the local governmental unit or directors of the local governmental units and each of the commissioners of the offices of the department having jurisdiction over such portion of the plan.

2. A commissioner of an office of the department shall not disapprove any portion of the local services plan without providing the local governmental unit an opportunity to be heard regarding the proposed disapproval and to propose any modification of the plan. Pending the

resolution of any dispute over approval of a portion of the plan, by final determination of the commissioner having jurisdiction over the services, new programs proposed shall not be implemented and programs previously implemented shall continue to be funded at existing levels. If a portion of the plan is disapproved, the commissioner of the office having jurisdiction over such portion shall notify the local governmental unit in writing stating reasons for such action.