*** § 41.55 Community mental health support and workforce reinvestment program.**

(a) Community mental health support and workforce reinvestment funds shall be annually allocated by the commissioner based upon the following criteria:

(1) the efficiency and effectiveness of the use of funding within the local governmental unit for the delivery of services to persons with serious mental illness in order to assure that resources are made available to fund mental health services to persons discharged into the community; and

(2) other relevant factors that require the maintenance of existing mental health services and the development of new mental health services.

(b) Amounts provided pursuant to this section shall only be used to fund mental health workforce related activities, including recruitment and retention initiatives and training programs, and other general programmatic activities to help ensure a stable mental health system. Such grants and other funds shall not be used for capital costs associated with the development of community mental health support and workforce reinvestment services.

(c) Prior to entering into contracts for the provision of services funded pursuant to subdivision (b) of this section, the office of mental health and any local governmental unit receiving such funds shall consider the following:

(1) the service needs of persons with serious mental illness, including children and adolescents with serious emotional disturbances, in the geographical area in which the community mental health support and workforce reinvestment program operates;

(2) the capacity of the program to meet identified service needs and specified performance standards related to access, admission, referral, and service coordination and delivery;

(3) the extent to which community mental health support and workforce reinvestment services authorized by the contract are consistent and integrated with the plan prepared and approved pursuant to section 41.16 of this article and other applicable provisions of this article; and

(4) the reliability and capability of the provider, including its expertise, prior experience, financial responsibility, record of

adherence to law, record of providing quality care and services, and ability to deliver appropriate services in a cost-effective and efficient manner to persons with serious mental illness. The commissioner is authorized to promulgate regulations to establish minimum contractual obligations in accordance with the provisions of this subdivision.

(d) The commissioner is authorized and empowered to make inspections and examine records of a local governmental unit receiving state aid under this section or a provider of services funded pursuant to subdivision (b) of this section. Such examination shall include all medical, service and financial records, receipts, disbursements, contracts, loans and other moneys relating to the financial operation of the provider.

(e) The amount of community mental health support and workforce reinvestment funds for the office of mental health shall be determined in the annual budget and shall include the amount of actual state operations general fund appropriation reductions, including personal service savings and other than personal service savings directly attributed to each child and adult non-geriatric inpatient bed closure. For the purposes of this section a bed shall be considered to be closed upon the elimination of funding for such beds in the executive budget. The appropriation reductions as a result of inpatient bed closures shall be no less than one hundred ten thousand dollars per bed on a full annual basis, as annually recommended by the commissioner, subject to the approval of the director of the budget, in the executive budget request prior to the fiscal year for which the executive budget is being submitted. The methodologies used to calculate the per bed closure savings shall be developed by the commissioner and the director of the budget. In no event shall the full annual value of community mental health support and workforce reinvestment programs attributable to beds closed as a result of net inpatient census decline exceed the twelve month value of the office of mental health state operations general fund reductions resulting from such census decline. Such reinvestment amount shall be made available in the same proportion by which the office of mental health's state operations general fund appropriations are reduced each year as a result of child and adult non-geriatric inpatient bed closures due to census decline.

(f) Additional reinvestment amounts shall be made available for appropriation in the executive budget based upon state operation general fund appropriations directly attributed to the co-location or closure of psychiatric centers made pursuant to law. Such amount shall be made available at the same proportion by which the office of mental health state operations general fund appropriations are reduced each year as a result of facility co-locations and closures.

(g) The annual community mental health support and workforce reinvestment appropriation shall reflect the amount of state operations general fund appropriation reductions resulting from subdivisions (e) and (f) of this section. Within any fiscal year where appropriation increases are recommended for the community mental health support and workforce reinvestment program, insofar as projected inpatient census decline or facility co-locations or closures do not occur as estimated, and state operations general fund savings do not result, then the reinvestment appropriations shall be made available, as needed, for transfer from the office of mental health general fund-aid to localities account to the office of mental health general fund-state purposes account to pay for any necessary inpatient expenses. The total community mental health support and workforce reinvestment appropriation also may include such additional appropriations, as shall be determined to be needed and approved by the legislature, to fund all the provisions of this section.

(h) Amounts made available to the community mental health support and workforce reinvestment program of the office of mental health shall be subject to annual appropriations therefor. Up to fifteen percent of the amounts so appropriated shall be made available for staffing at state mental health facilities and at least seven percent of the remaining funds may be allocated for state operated community services pursuant to this section.

(i) For purposes of this section, the term "state operations general fund" shall mean the office of mental health state operations general fund appropriations before any offset from the special revenue funds-other miscellaneous special revenue fund or mental hygiene patient income account.

(j) No provision in this section shall create or be deemed to create any right, interest or entitlement to services or funds that are the

subject of this act, or to any other services or funds, whether to individuals, localities, providers or others, individually or collectively.

(k) All appropriations for community mental health support and workforce reinvestment services shall be adjusted in the following fiscal year to reflect the variance between the initial and revised estimates of census decline.

* NB Repealed March 31, 2027