

CHAIRMAN
MENTAL HEALTH &
DEVELOPMENTAL DISABILITIES

COMMITTEE MEMBER
CIVIL SERVICE AND PENSIONS
CORPORATIONS, AUTHORITIES
AND COMMISSIONS
ENERGY AND TELECOMMUNICATIONS
ENVIRONMENTAL CONSERVATION
HIGHER EDUCATION
LABOR
LOCAL GOVERNMENT
VETERANS, HOMELAND SECURITY
AND MILITARY AFFAIRS

THE SENATE
STATE OF NEW YORK



ROBERT G. ORTT
SENATOR, 62ND DISTRICT

ALBANY OFFICE:
ROOM 815
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2024
FAX: (518) 426-6987

DISTRICT OFFICE:
175 WALNUT STREET, SUITE #6
LOCKPORT, NEW YORK 14094
(716) 434-0680
FAX: (716) 434-3297

December 2016

Honorable John J. Flanagan
Majority Coalition Leader
New York State Senate
Albany, NY 12247

Dear Senator Flanagan:

I am pleased to submit to you the 2016 Annual Report of the New York State Senate Committee on Mental Health and Developmental Disabilities. Chairing this important Committee has been a privilege and I look forward to continuing this Committee's important work in 2017. During the 2016 Legislative Session, there were 38 bills that passed through Committee; of these, eight were chaptered into law, two were vetoed, and 13 passed only in the Senate.

I am very proud of this Committee's accomplishments both in the Budget and outside of the Budget, as well as the bipartisan manner in which they were achieved. The success of this Committee proves that smart and effective mental hygiene policy is important to us all, regardless of political affiliation. This Committee has sought to address many of the concerns in this area, including veterans' mental health, children's mental health, crisis intervention, sheltered workshops, and the recruitment and retention of staff. In addition to the many accomplishments in this year's Budget, we also laid a path for Session accomplishments and built a solid foundation for 2017.

More than anything, I am proudest of the fact that in choosing legislation to advance, this Committee stood shoulder to shoulder with the individuals and families most in need of our assistance and protection. In closing, I would like to thank the Committee members for their support, dedication and, most importantly, their cooperation in 2016.

Sincerely,

A handwritten signature in black ink that reads 'Rob-G. Ortt' with a stylized flourish at the end.

Robert G. Ortt
Chairman, Senate Committee on Mental
Health and Developmental Disabilities

**New York State Senate
Standing Committee
On
Mental Health and Developmental
Disabilities**

**Senator Robert G. Ortt, Chairman
Senator Jesse Hamilton, Ranking Member**

Committee Members

Senator Terrence Murphy

Senator Liz Krueger

Senator Susan Serino

Senator David Carlucci

Senator Simcha Felder

Senator Gustavo Rivera

Senator Kemp Hannon

Senator José Serrano

Senator James Seward

Staff

**Kevin Crumb, Chief of Staff
Joseph E. Erdman, Legislative Director
Jeannie Boyd, Committee Clerk**

The New York State Senate Standing Committee on Mental Health and Developmental Disabilities conducted four (4) committee meetings during the 2016 Legislative Session.

The Committee also considered nominations.

Monday, January 25, 2016, at 11:00 am, in Room 816 LOB

S396 Gallivan

Relates to notice of transfer of sex offender to community program or residence.

Passed Senate

S616 Boyle

Creates "Robin's Law"; relates to mental health and chemical dependence outpatient treatment of sex offenders; requires the development of guidelines and procedures for outpatient group settings.

Reported and Committed to Finance

S2465 Ritchie

Provides for fees for services rendered patients in state inpatient facilities pursuant to court orders to be paid by the county in which the court is located for the first thirty days.

Reported and Committed to Finance

S3628 Ortt

Relates to peace officer powers of safety officers.

Advanced to Third Reading

S3636A Ortt

Authorizes the release to family members of certain records pertaining to deceased residents of the office for People with Developmental Disabilities operated or certified facilities.

Passed Senate

S3847 Lanza

Directs the Commissioner of the Office for People with Developmental Disabilities to deny employment or volunteer applications based on a criminal history report for such applicant.

Passed Senate

S4973A Ortt

Directs the Commissioner to promulgate regulations for the release of patient records by the Office of Mental Health.

Passed Senate

S5270 Little

Authorizes the civil commitment of detained persons convicted of a misdemeanor sex offense or with a prior conviction in another state of an offense that would be a designated felony.

Reported and Committed to Finance

S840A Robach

Relates to patients interred at state mental health hospital cemeteries; directs the release of the name, birthdate and date of death of certain patients 50 years after the date of death.

Chapter 246 of 2016

S2728 Griffo

Provides additional discharge planning for persons being released from civil confinement including supervision, electronic monitoring, appropriate clothing, transportation, medication and a service plan.

Reported and Committed to Finance

S3645A Ortt

Requires directors of facilities to perform certain duties to assure patient protection including providing independent medical examinations after reports of abuse or circumstances that may constitute a criminal offense, notifying personal representatives of alleged abuse and that a vulnerable person has been taken to a hospital and notifying vulnerable persons or their representatives of their right to clinical records.

Reported and Committed to Finance

S3650A Ortt

Provides that when there is an involuntary admittance to an in-patient facility, the person's or the person's designee's choice of facility shall be respected as long as it is appropriate; provided, however, such choice shall be subject to the facility's ability to provide the person's necessary level of care and the availability of space.

Advanced to Third Reading

S5153 Seward

Requires the sponsoring agency of a proposed community residence to provide the chief executive officer of the municipality with the number of registered sex offenders who will live in such residence.

Passed Senate

S5544A Ritchie

Relates to the reimbursement of local services provided to persons with a disability; provides for retroactive reimbursement if local services were furnished prior to approval.

Reported and Committed to Finance

S6622 Ortt

Relates to prohibiting fees to be charged to agencies for copies of certain clinical records.

Chapter 453 of 2016

Monday, April 11, 2016 at 1:00 pm in Room 816 LOB

S1124 Carlucci

Ensures the rights of an individual with a disability or a vulnerable adult during investigations conducted by the justice center.

Reported and Committed to Finance

S1907 Parker

Provides a mental hygiene legal service to patients or residents of residential healthcare facilities who have been admitted directly from a facility and who have a chronic mental illness and are receiving services related to such illness.

Reported and Committed to Finance

S2466A Ritchie

Requires employees and volunteers providing services to persons with developmental disabilities to complete certain training.

Reported and Committed to Finance

S2644A Parker

Relates to establishing a crisis intervention team program.

Reported and Committed to Finance

S3659A Ortt

Enacts the skills for direct support professional jobs for the Developmentally Disabled Act.

Reported and Committed to Finance

S3661 Ortt

Relates to the issuance of guidance documents to certain state oversight agencies for meeting reporting requirements established by the justice center.

Passed Senate

S5272 Ortt

Establishes a right to treatment for seriously emotionally disturbed children who are certified by the pre-admission certification committee and waiting to be placed in a residential placement facility for children and youth; requires the Commissioner to evaluate what services are needed and how to provide them.

Reported and Committed to Finance

S6916B Ortt

Requires the Commissioner of Mental Health to develop detailed definitions of degrees of injuries that may result from attacks by persons confined to state forensic psychiatric centers.

Chapter 375 of 2016

Thursday, June 2, 2016 at 9:30 am, in Room 816 LOB

The Committee will consider the following nominations:

Maura A. Kelley, Behavioral Health Services Advisory Council, Reappointment
Kunsook Song Bernstein, Behavioral Health Services Advisory Council, Reappointment
Jennifer F. Havens, Behavioral Health Services Advisory Council, Reappointment
John Kastan, Behavioral Health Services Advisory Council, Reappointment
Florentino Hernandez, Behavioral Health Services Advisory Council, Reappointment
Euphemia Strauchn-Adams, Behavioral Health Services Advisory Council, Reappointment
Paul Samuels, Chair of Behavioral Health Services Advisory Council, Reappointment
Lawrence Brown, Behavioral Health Services Advisory Council, Reappointment
William Gettman, Behavioral Health Services Advisory Council, Reappointment
William Gettman, Chair of Justice Center Advisory Council, Reappointment
Ronald Lehrer, Justice Center Advisory Council, Reappointment
Kathy O'Keefe, Justice Center Advisory Council, New Appointment (to appear)
Euphemia Strauchn-Adams, Justice Center Advisory Council, Reappointment
Harvey Rosenthal, Justice Center Advisory Council, Reappointment
Peter Pierri, Justice Center Advisory Council, Reappointment

S256 Diaz

Broadens the geriatric service demonstration program to include older adults with mental health disabilities and chemical dependence; renames the program to be the Geriatric Mental Health and Chemical Dependence Demonstration Program; allows for grants to be awarded by the office to providers of care to older adults with chemical dependence.

Reported and Committed to Finance

S4261 Espailat

Relates to suicide prevention; provides that the Office of Mental Health and the State Education Department shall identify or develop materials for educators regarding suicide prevention measures and signs of depression among school-aged students; provides that related information shall be available on the Internet and may be included in schools.

Passed Senate

S4981 Ortt

Relates to the jurisdiction of the Justice Center's Special Prosecutor and Inspector General.

Advanced to third reading

S5154C DeFrancisco

Provides for an appointment of a guardian for personal needs or property management; provides that the order of appointment shall identify the persons entitled to receive notice of the incapacitated person's death, funeral arrangements, receive notice of the incapacitated person's transfer to a medical facility and persons entitled to visit such person.

Chapter 98 of 2016

S6010 Lanza

Relates to the duty to report incidents to 911 and the county District Attorney's Office.

Advanced to Third Reading

S7410 Carlucci

Authorizes the Commissioner of the Office for People with Developmental Disabilities to have access to certain criminal history information contained in the central data facility established by the Division of Criminal Justice Services.

Chapter 209 of 2016

S7414 Carlucci

Relates to the requirement to check the Justice Center's register of substantial category one cases of abuse or neglect.

Passed Senate

S7584 Ortt

Relates to the authority of the Justice Center to visit, inspect and appraise the management of out-of-state schools or facilities.

Chapter 107 of 2016

S7627 Ortt

Relates to requirements for notice to local governments, community organizations and other interested parties of the potential for significant service reductions at certain state-operated hospitals.

Veto 291 of 2016

S7644 Ortt

Requires the Commissioner to provide updates regarding the implementation of the report and recommendations of the transformation panel including progress made by the office in developing plans for and implementing recommendations, identifying statutory obstacles to implementation and any other information necessary to keep stakeholders informed of the implementation plan.

Chapter 250 of 2016

S7678 Ortt

Requires the Commissioner of the Office for People with Developmental Disabilities, in collaboration with the Commissioner of Health, to develop a plan for reimbursement of transportation services to and from day habilitation programs for people with developmental disabilities.

Reported and Committed to Finance

S7794 Klein

Expands the definition of "mental abnormality," for purposes of sex offender civil commitment or supervision, to include antisocial personality disorder, borderline personality disorder and psychopathy.

Advanced to Third Reading

S7804 Gallivan

Adds siblings to the definition of a qualified person of an adult patient or client who may be entitled to request access to a clinical record.

Passed Senate

S7882 Carlucci

Allows the State Comptroller to enter into a contract with the Administrator of the NYS College Choice Tuition Savings Program for the purpose of administering the NY ABLE Savings Account Program and providing account depositories and managers.

Chapter 149 of 2016

**Mental Health and Developmental Disabilities Legislation
Enacted Into Law in 2016**

Chapter 98 of 2016

S5154C DeFrancisco

Provides for an appointment of a guardian for personal needs or property management; provides that the order of appointment shall identify the persons entitled to receive notice of the incapacitated person's death, funeral arrangements, receive notice of the incapacitated person's transfer to a medical facility and persons entitled to visit such person.

Chapter 107 of 2016

S7584 Ortt

Relates to the authority of the justice center to visit, inspect and appraise the management of out-of-state schools or facilities.

Chapter 149 of 2016

S7882 Carlucci

Allows the State Comptroller to enter into a contract with the Administrator of the NYS College Choice Tuition Savings Program for the purpose of administering the NY ABLE Savings Account Program and providing account depositories and managers.

Chapter 209 of 2016

S7410 Carlucci

Authorizes the Commissioner of the Office for People with Developmental Disabilities to have access to certain criminal history information contained in the central data facility established by the Division of Criminal Justice Services.

Chapter 246 of 2016

S840A Robach

Relates to patients interred at state mental health hospital cemeteries; directs the release of the name, birthdate and date of death of certain patients 50 years after the date of death.

Chapter 250 of 2016

S7644 Ortt

Requires the Commissioner to provide updates regarding the implementation of the report and recommendations of the transformation panel including progress made by the office in developing plans for and implementing recommendations, identifying statutory obstacles to implementation and any other information necessary to keep stakeholders informed of the implementation plan.

Chapter 375 of 2016

S6916B Ortt

Requires the Commissioner of Mental Health to develop detailed definitions of degrees of injuries that may result from attacks by persons confined to state forensic psychiatric centers.

Chapter 453 of 2016

S6622 Ortt

Relates to prohibiting fees to be charged to agencies for copies of certain clinical records.

