

CHAPTER 278
APPROVAL # 25

LAWS OF 19 77

SENATE BILL 6833

ASSEMBLY BILL _____

S. 6833

A. 8982

1977-1978 Regular Sessions

SENATE-ASSEMBLY

June 29, 1977

IN SENATE—Introduced by Sens. PADAVAN, CONKLIN, VOLKER, SCHERMERHORN, FARBER, PERRY, GAZZARA, NOLAN—read twice and ordered printed, and when printed to be committed to the Committee on mental Hygiene and Addiction Control

IN ASSEMBLY—Introduced by COMMITTEE ON RULES—(at the request of M. of A. Connelly, McCabe, Fink, Frey, Dearie, Walsh, Diggs, Schirminger, Engel, Abramson, Friedman, Robach)—read once and referred to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

Bill compared by _____

DATE RECEIVED BY GOVERNOR: _____

ACTION MUST BE TAKEN BY: _____

GOVERNOR'S ACTION: _____

DATE AUG 1 1977

Memorandum No. _____

SENATE VOTE 51 Y 1 N

Date July 7, 1977

ASSEMBLY VOTE 99 Y 44 N

Date 7/7/77

Bill is disapproved

Counsel to Governor

1977

SENATE

The Senate Bill
 by Mr. PADAVAN et al
 Entitled: "

Calendar No. 1829

Senate No. 6833
 Assem. Rept. No. _____

S. 0833
 AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto.

" was read the third time

DEBATE WAS HAD THEREON

The President put the question whether the Senate would agree to the final passage of said bill, the same having been printed and upon the desks of the members in its final form at least three calendar legislative days, and it was decided in the affirmative, a majority of all the Senators elected voting in favor thereof and three-fifths being present, as follows:

AYE	Dist.		NAY	AYE	Dist.	NAY
	47	Mr. Anderson		15	Mr. Knorr	
	49	Mr. Auer		1	Mr. LaValle	
	16	Mr. Babbush		29	Mr. Leichter	
	45	Mr. Barclay		8	Mr. Levy	
	18	Mr. Bartosiewicz		22	Mr. Lewis	
	23	Mr. Beatty		50	Mr. Lombardi	
	25	Ms. Bellamy		24	Mr. Marchi	
	33	Mr. Bernstein	EXCUSED	5	Mr. Marino	
	19	Mr. Bloom		48	Mr. Mason	
	12	Mr. Bronston		28	Mr. McCall	
	41	Mr. Bruno		59	Mr. McFarland	
	9	Ms. Burstein		42	Mr. Nolan	
	7	Mr. Caemmerer		27	Mr. Ohrenstein	
	34	Mr. Calandra		17	Mr. Owens	
	21	Mr. Conklin		11	Mr. Padavan	
	46	Mr. Donovan		60	Mr. Paterson	
	6	Mr. Dunne		53	Mr. Perry	
	54	Mr. Eckert		36	Mr. Pisani	
	10	Mr. Farber	EXCUSED	57	Mr. Present	
	44	Mr. Farley		39	Mr. Rolison	
	35	Mr. Flynn		31	Mr. Ruiz	
	32	Mr. Galiber		40	Mr. Schermerhorn	
	30	Mr. Garcia		2	Mr. Smith, B.C.	
	14	Mr. Gazzara		51	Mr. Smith, W.T.	
	13	Mr. Gold		43	Mr. Stafford	
	26	Mr. Goodman		55	Mr. Tauriello	
	37	Mr. Gordon		3	Mr. Trunzo	
	56	Mr. Griffin		58	Mr. Volker	
	20	Mr. Halperin		52	Mr. Warder	
	4	Mr. Johnson		38	Mrs. Winikow	

AYES 57
 NAYS 1

Ordered, that the Secretary deliver said bill to the Assembly and request its concurrence therein.

(Republicans in Italics)

Those Who Voted
In the Affirmative

Those Who Voted
In the Negative

Those Who Voted
In the Affirmative

Those Who Voted
In the Negative

Those Who Voted
In the Affirmative

Those Who Voted
In the Negative

~~Mr. Abramson~~
 Miss. Amatuucci
~~Mr. Barbano~~
~~Mr. Bersani~~
~~Mr. Betros~~
 Mr. Bianchi
 Mr. Boyland
 Mr. Brewer
~~Mr. Burns~~
~~Mr. Burrows~~
~~Mr. Bush~~
 Mr. Butler
~~Mr. Calogero~~
 Mr. Cincotta
~~Mr. Cochrane~~
 Mrs. Connelly
 Mr. Connors
 Mr. Connor
~~Mr. Cook~~
 Mr. Cooperman
 Mr. Culhane
~~Mr. Daly~~
~~Mr. D'Amato~~
~~Mr. D'Andrea~~
 Mr. Dearie
~~Mr. DelliBovi~~
 Mr. Del Toro
 Mr. DeSalvio
~~Mr. DiCarlo~~
 Mrs. Diggs
~~Mr. Dokuchitz~~
~~Mr. Duryea~~
~~Mr. Dwyer~~
~~Mr. Emery~~
 Mr. Engel
~~Mr. Esposito~~
 Mr. Eve
 Mr. Farrell
 Mr. Ferris
~~Mr. Field~~
 Mr. Fink
 Mr. Finneran
~~Mr. Flack~~
~~Mr. Flanagan~~
 Mr. Fortune
 Mr. Fremming
 Mr. Frey
 Mr. Friedman
 Mr. Goldstein
 Mrs. Goodhue

Mr. Gerski
 Mr. Gottfried
 Mr. Graber
 Mr. Grammis
 Mr. Greco
 Mr. Greenberg
 Mr. Griffith
~~Mr. Gulotta~~
~~Mr. Hanna~~
~~Mr. Hannon~~
 Mr. Harenberg
~~Mr. Harris~~
~~Mr. Hawley~~
~~Mr. Healey~~
~~Mr. Henderson~~
~~Mr. Herbst~~
 Mr. Hevesi
 Mr. Hinchey
 Mr. Hochbrueckner
 Mr. Hoyt
~~Mr. Hurley~~
 Mr. Keane
~~Mr. Kelleher~~
 Mr. Kidder
 Mr. Koppell
 Mr. Kremer
 Mr. Lafayette
 Mr. Landes
~~Mr. Lane~~
 Mr. Lasher
~~Mr. Lee~~
 Mr. Lehner
 Mr. Lentol
~~Mr. Levy~~
 Mr. Lewis
 Mrs. Lipschutz
~~Mr. Lopresto~~
 Mr. Marchiselli
~~Mr. Marshall~~
~~Mr. Martin~~
 Mr. McCabe
 Mrs. McGee
~~Mr. McGrath~~
 Mr. McInerney
~~Mr. Mega~~
 Mr. Miller (G.W.)
~~Mr. Miller (H.M.)~~
 Mr. Miller (M.H.)
 Mr. Mirto
~~Mr. Molinari~~

~~Mr. Murphy~~
~~Mr. Murphy (G.A.)~~
 Mr. Murphy (M.J.)
 Mr. Nadler
~~Mr. Nagle~~
 Mr. Nicolasi
 Mr. Nine
~~Mr. Nartz~~
 Mr. Orazio
 Mr. Passanante
~~Mr. Pappas~~
 Mr. Posner
 Mr. Proud
~~Mr. Rappleyea~~
~~Mr. Reilly~~
~~Mr. Riford~~
 Mr. Robach
~~Mr. Ross~~
~~Mr. Ryan (A.W.)~~
 Mr. Ryan (E.F.X.)
 Mr. Schimminger
 Mr. Schmidt
 Mr. Schumer
~~Mr. Sears~~
 Mr. Serrano
 Mr. Siegel
 Mr. Silver
~~Mr. Solomon~~
 Mr. Stavisky
 Mr. Stein
~~Mr. Stephens~~
 Mr. Strelzin
 Mr. Sullivan (E.C.)
~~Mr. Sullivan (P.M.)~~
 Mr. Tallon
~~Mr. Tills~~
 Mr. Vann
~~Mr. Veletta~~
 Mr. Virgilio
 Mr. Walsh
~~Mr. Warren~~
~~Mr. Wepkin~~
 Mr. Wepkin
~~Mr. Wertz~~
 Mr. Wilson
 Mr. Yevoli
~~Mr. Zagame~~
 Mr. Zimmer
~~Mr. Zwickler~~

AYES 99

NOES 44



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALLANY 12224

AUG 11 1977

MEMORANDUM filed with the following bills:

Senate Bill Number 6833, entitled:

CHAPTER # 978
APPROVAL # 75

"AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto"

Senate Bill Number 6856, entitled:

CHAPTER # 658
APPROVAL # 76

"AN ACT to amend the mental hygiene law, in relation to demonstration programs"

Assembly Bill Number 7957, entitled:

CHAPTER # 778
APPROVAL # 77

"AN ACT to amend the social services law, in relation to medical assistance for the mentally retarded in certain treatment programs"

Assembly Bill Number 7956-A, entitled:

CHAPTER # 777
APPROVAL # 78

"AN ACT to amend the mental hygiene law and the social services law, in relation to parental liability for fees and the family court act in relation to duties to support recipient of public assistance or welfare in certain institutions"

Assembly Bill Number 8990, entitled:

CHAPTER # 656
APPROVAL # 79

"AN ACT to amend the mental hygiene law, in relation to fees for services rendered patients committed to the department of mental hygiene pursuant to section 330.20 of the criminal procedure law"

Senate Bill Number 6249-A, entitled:

CHAPTER # 660
APPROVAL # 80

"AN ACT to amend the mental hygiene law and the social services law, in relation to state financial support for persons who have been long-term patients of state facilities for the care and treatment of the mentally disabled"

A P P R O V E D

Together, these bills constitute a comprehensive program designed to reshape New York State's system of services for the mentally ill, the mentally retarded and developmentally disabled, the alcoholics and substance abusers, and those suffering from multiple disabilities. These bills will enable continued evolution in these essential service areas, enhancing our State and local governments' capacity to achieve our objectives of securing more humane and effective care and treatment for all the State's mentally disabled citizens.

Originally proposed in my Annual Message to the Legislature at the beginning of this legislative session, these bills took their final shape and form through extensive discussions among executive and legislative staffs and hundreds of representatives of mental hygiene service providers and consumers throughout the State. There have been few occasions in which so many have had as large an active role in the development of a major legislative program which will affect the lives of millions of New Yorkers.

The specific accomplishments of this legislation include the following:

- The existing Department of Mental Hygiene and the Office of Drug Abuse Services will be re-established as three autonomous offices -- an Office of Mental Health, an Office of Mental Retardation and Developmental Disabilities, and an Office of Alcoholism and Substance Abuse. The Office of Alcoholism and Substance Abuse will be composed of a Division of Alcoholism and Alcohol Abuse, a Division of Substance Abuse Services and Commission on Alcohol and Substance Abuse Education and Prevention. Through this structure, it will be possible to develop programs and standards for care more specifically suited to the needs of the client groups the State is attempting to serve.
- The needs of the multiply disabled will be recognized in statute for the first time, with the heads of each of the new offices having specific responsibilities for identifying their multiply disabled clients and assuring the provision of appropriate services to them. Specific provisions of the program will guard against unnecessary fragmentation in the delivery of services to the multiply disabled.
- State and local relationships for the planning and delivery of services to the mentally disabled will be altered, giving local governments opportunities for expanded service roles. A five year cooperative effort among the State, local governments and other providers of services will be initiated.
- Chapters 620 and 621 of the Laws of 1974 which provide for full State support of the net costs of community services and support for former long-term residents of State mental hygiene facilities will be liberalized. The legislation is intended to facilitate rational deinstitutionalization, without additional local costs, of facility residents who can be more appropriately served by programs of community care.
- Income derived from the operation of sheltered workshops for the mentally retarded by voluntary agencies will be exempted from the definition of net operating costs which are eligible for State aid reimbursement. This legislation will introduce added incentives for the establishment of the sheltered workshops which are vital components of day programs for the mentally retarded.

- Financial liability of parents for the support of disabled children living away from home will be eliminated. This legislation, with financial advantage to the State, will eliminate inequities which exist with respect to the financial liabilities of parents whose disabled children cannot be provided appropriate services in their home communities.
- Local governments will be relieved of the cost of care for persons committed to the custody of the Commissioner of Mental Hygiene after having been acquitted on criminal charges by reason of insanity.
- Provisions of the Social Services Law will be clarified in order to facilitate implementation of a program to provide medical assistance, without local financial obligation, for mentally retarded individuals in day treatment programs, operated either directly or under contract, of intermediate care facilities for the mentally retarded. This program will facilitate the establishment of community-based services for the mentally retarded at no expense to local governments.

These are sound accomplishments. While they do not solve all the problems which inhibit the more effective delivery of services to the mentally disabled, they will contribute to more effective and efficient use of available funds. They also provide a sound foundation for the commitment of additional resources to this service area. As I indicated in my Message to the Legislature transmitting this program, it reflects the recognition of constituent groups that it would be unwise to seek progress for any particular group at the expense of another.

Each of these bills has been developed by my staff not only with the active support and assistance of consumer and provider groups throughout the State but also with the benefit of the insights and perspectives of members of the Assembly Committee on Mental Hygiene under the leadership of Elizabeth Connelly and the Senate Committee on Mental Hygiene and Addiction Control under the leadership of Senators Padavan, Conklin, Perry and Volker. Enactment of these bills is a tribute to the ability of the Legislature and Executive, with the assistance of able staff, to act decisively on a major program for the betterment of the care, treatment and rehabilitation of the mentally disabled.

The bills are approved.

GOVERNOR'S PROGRAM BILL

1977

JUL 8 1977

M E M O R A N D U M

RE: AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

Subj: SB 6833 (Padavan, Conklin, Volker et al)
Program Bill

Purpose of the bill.

To create three new autonomous offices in the Department of Mental Hygiene -- the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and the Office of Alcoholism and Substance Abuse.

Summary of provisions:

Recodifies the existing Mental Hygiene Law by grouping the law into five titles and twenty-one articles as follows:

TITLE A - ORGANIZATION OF DEPARTMENT OF MENTAL HYGIENE

Art. 1 - Short titles and definitions -- creates definitions needed to implement the reorganizational triad. Except for the most limited generic and constitutionally required functions, the term "department" would refer to the Offices created by this bill.

Additionally, the term "developmental disabilities" is inserted. This definition follows Federal statutory law (see U.S.C.A. Sec. 6001(7) (Supp. 1976)) except that there is specific mention of the "neurologically impaired" within the definition. The term "Commissioner" is defined as the Commissioner of Mental Health, the commissioner of mental retardation and developmental disabilities, the director of the division for alcoholism and alcohol abuse, and the director of the division of substance abuse services.

Several other minor definitional adjustments are made.

Art. 5 - Department of mental hygiene -- creates three new autonomous offices in the Department of Mental Hygiene - the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, and the Office of Alcoholism and Substance Abuse.

A. 898a

§ 5.01 Department of Mental Hygiene

Derivation of Section. This section is partly derived from MHL Sections 7.01 and 7.03 and partly new.

Substantive Changes. This section creates the three autonomous offices within the department: The Office of Mental Health; the Office of Mental Retardation and Developmental Disabilities and the Office of Alcoholism and Substance Abuse.

§ 5.03 Commissioners

Derivation of Section. This section is derived from MHL Section 7.03.

Substantive Changes. This section authorizes the appointment by the Governor, with the advice and consent of the Senate, of Commissioners of the Office of Mental Health, Office of Mental Retardation and Development Disabilities and of the members of the Commission on Alcohol and Substance Abuse Prevention and Education.

§ 5.05 Powers and duties of the head of the department

Derivation of Section. This section is new.

Substantive Changes. This section requires the Commissioners of the Offices Health and Mental Retardation and Developmental Disabilities to satisfy the constitutional mandate that the head of the department of mental hygiene provide for the visitation and inspection of all facilities either public or private used for the care and treatment of persons suffering from mental disability. (N.Y.S. Const., Art. XVII, Sec. 4)

Additionally, it establishes an inter-office coordinating council of the Commissioners of the Office of Mental Health and Mental Retardation and Developmental Disabilities and the Directors of the Divisions of Alcoholism and Alcohol Abuse, and Substance Abuse which will ensure that services are provided to the multiply disabled; coordinate cooperative efforts of the research institutes within each office; and to meet from time to time with the Conference of Local Mental Hygiene Directors.

§ 5.07 Council for mental hygiene planning; statewide goals and objectives; statewide comprehensive plan of services for the mentally disabled

Derivation of Section. This section is derived from MHL Section 7.06.

Substantive Changes. The composition of the Council for Mental Hygiene Planning is altered slightly to ensure representation of the state, local government, non-governmental organizations and consumers. It is also changed so that the Commissioners and Directors of the Offices and Divisions established by this act serve as ex officio members of the Council. Each of the Commissioners is charged with the responsibility of preparing that portion of the statewide five-year plan which pertains to his area of responsibility.

§ 5.09 Facilities development corporation

Derivation of Section. This section is derived from MHL Sections 7.13(e) and 9.25.

Substantive Changes. None.

TITLE B - MENTAL HEALTH ACT

Art. 7 - Office of mental health -- sets out the organizational structure and operational functions of the newly created Office of Mental Health.

§ 7.01 Declaration of Policy

Derivation of Section. This section is derived from MHL Section 1.03.

Substantive Changes. This section has been reworded to deal only with the care and treatment of the mentally ill.

§ 7.03 Definitions

This section is new.

§ 7.05 Advisory council on mental health;
advisory committee on children and youth

Derivation of Section. Subdivision (a) is derived from MHL Sections 7.06 and 7.07. Subdivision (b) is new.

Substantive Changes. Subdivision (a) creates an advisory council on mental health that will assist the Commissioner of Mental Health and the Council for Mental Hygiene Planning in planning services to the mentally ill. Membership requirements comply with P.L. 94-63 and the regulations issued thereunder.

Subdivision (b) creates a new advisory committee that will assist the Commissioner of Mental Health in developing programs and policies for the care and treatment of mentally disturbed children.

§ 7.07 Office of mental health; scope of responsibilities

Derivation of Section. This section is derived from MHL Section 7.05(a), (c) and (d).

Substantive Changes. This section charges the Office for Mental Health with carrying out those responsibilities relating to the mentally ill formerly carried out by the Department of Mental Hygiene.

§ 7.09 Powers of the office and commissioner;
now exercised

Derivation of Section. This section is partially derived from MHL Section 9.01 and is partly new.

Substantive Changes. Subdivision (a) empowers the Commissioner of Mental Health to enter into agreements with other Commissioners of the Department to assist him in carrying out the functions and duties assigned to him.

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Subdivision (b) deletes the second sentence of Section 9.01(a) which refers to the Mental Hygiene Council which is to be abolished.

§ 7.11 Organization and administration of the office of mental health and its facilities.

Derivation of Section. Subdivisions (a) and (b) are derived from MHL Section 7.13. Subdivision (c) is derived from MHL Section 7.15(c).

Substantive Changes. Subdivision (a) places the psychiatric centers formerly under the jurisdiction of the Department and its Commissioner under the jurisdiction of the Office of Mental Health and its Commissioner to enable the Office to carry out fully the responsibilities assigned to it by this Article.

Subdivision (c) places the State's psychiatric institutes under the jurisdiction of the Commissioner of Mental Health.

§ 7.13 Local services

Derivation of Section. This section is new.

Substantive Changes. This section provides that planning and funding of services to the mentally ill by local governments shall be in accordance with the provisions of Article 41 (This bill renumbers existing Article 11 of the Mental Hygiene Law to be Article 41) of this Chapter.

§ 7.15 Programs of the office of mental health

Derivation of Section. This section is derived from MHL Section 9.03.

Substantive Changes. MHL Section 9.03 has been revised to pertain to mental illness and the Office of Mental Health only.

§ 7.17 Programs, services, and operation of facilities in the office of mental health

Derivation of Section. Subdivisions (a), (c) and (d) are derived from MHL Section 9.05. Subdivision (b) is derived from MHL Section 7.15.

Substantive Changes. Section 9.05 has been revised to pertain only to the Office of Mental Health and the mentally ill. The language of new Section 7.17(d) reflects the new structure of the Department.

§ 7.19 Personnel of the office

Derivation of Section. This section is derived from MHL Section 7.11.

Substantive Changes. None.

§ 7.21 Directors of facilities

Derivation of Section. This section is derived from MHL Section 7.17.

Substantive Changes. Subdivisions (c) and (d) have no major changes other than the revisions to make them pertain to the Office of Mental Health and the mentally ill.

Subdivision (b) has been modified to require directors to immediately notify the Mental Health Information Service of alleged incidents of patient abuse.

§ 7.23 Education and training

Derivation of Section. This section is derived from MHL Section 9.09.

Substantive Changes. This section has been revised to pertain to education and training programs in the Office of Mental Health only.

A. 8982

§ 7.25 Safety

Derivation of Section. This section is derived from MHL Section 9.15.

Substantive Changes. None.

§ 7.27 Facility services

Derivation of Section. Subdivision (a) of this section is based on MHL Section 9.17. Subdivision (b) is derived from MHL Section 9.19, subdivision (c) is derived from MHL Section 9.21, and subdivision (d) is based on MHL Section 9.23.

Substantive Changes. These four miscellaneous sections are grouped together as one section called "facility services": All four subdivisions have been revised to pertain to facilities under the jurisdiction of the Office and Commissioner of Mental Health.

§ 7.29 Gifts

Derivation of Section. This section is derived from MHL Section 9.27.

Substantive Changes. This section has been revised so that it pertains to the Commissioner and Office of Mental Health.

§ 7.31 Disposition of moneys and securities

Derivation of Section. This section is derived from MHL Section 9.31.

Substantive Changes. This section has been revised so that it pertains to disposition of moneys and securities by the Commissioner and Office of Mental Health.

§ 7.33 Boards of visitors

Derivation of Section. This section is derived from MHL Section 7.19.

A. 8982

Substantive Changes. This section has been revised so that it pertains to Boards of Visitors in psychiatric centers (hospitals) under the jurisdiction of the Office and Commissioner of Mental Health only. No other substantive revisions have been made in MHL Section 7.19.

§ 7.35 Civil actions against mental health volunteers; indemnity

Derivation of Section. This section is derived from MHL Section 9.11.

Substantive Changes. This section has been revised to pertain to civil actions against volunteers in programs of the Office of Mental Health only.

Art. 9 - Hospitalization of the mentally ill -- incorporates existing Article 31 of the Mental Hygiene Law as Article 9. Prior to making this incorporation Article 31 is amended to enable admission of mentally ill alcoholic patients to be admitted to alcoholism facilities operated by psychiatric centers under contract with the Office of Alcoholism and Substance Abuse.

TITLE C - MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES ACT

Art. 13 - Office of mental retardation and developmental disabilities -- sets out the organizational structure and operational functions of the newly created Office of Mental Retardation and Developmental Disabilities.

§ 13.01 Declaration of policy

Derivation of Section. This section is new.

Substantive Changes. This section sets forth the direction and goals of the new Office of Mental Retardation and Developmental Disabilities. It is the policy on which the organization and duties of the Office are to be based.

§ 13.03 Definitions

Derivation of Section. This section is new.

§ 13.05 Advisory council on mental retardation and developmental disabilities

Derivation of Section. This section is derived from MHL Sections 7.06 and 7.07.

Substantive Changes. This section creates a new Advisory Council for Mental Retardation and Developmental Disabilities that will assist the Commissioner of Mental Retardation and Developmental Disabilities and the Council for Mental Hygiene Planning in planning services for the mentally retarded and developmentally disabled.

§ 13.07 Office of mental retardation and developmental disabilities; scope of responsibilities

Derivation of Section. This section is derived from MHL Section 7.05, except subdivision (b) which is new.

Substantive Changes. This section charges the Office of Mental Retardation and Developmental Disabilities with carrying out those responsibilities relating to the developmentally disabled formerly carried out by the Department of Mental Hygiene. Subdivision (b) assigns the Office with the new responsibility of advising and assisting the Governor in the development of statewide policies relating to the developmentally disabled.

Subdivision (d) charges the Office with carrying out the provisions of Article 31 as it relates to quality control of services to the developmentally disabled.

§ 13.09 Powers of the office and commissioner; how exercised

Derivation of Section. Subdivision (a) of Section 5.09 is derived from MHL Section 7.09. Subdivision (b) is derived from MHL Section 9.01(a).

Substantive Changes. Subdivision (a) empowers the Commissioner of Mental Retardation and Developmental Disabilities to enter into agreements with other commissioners of the Department to assist him in carrying out the functions and duties assigned to him.

Subdivision (b) deletes the second sentence of Section 9.01(a) which refers to the Mental Hygiene Council because the Council is abolished.

§13.11 Organization and administration of the office of mental retardation and developmental disabilities and its facilities

Derivation of Section. This section is derived from MHL Section 1.13.

Substantive Changes. Subdivision (a) places the developmental centers formerly under the jurisdiction of the department and its Commissioner under the jurisdiction of the Office of Mental Retardation and Developmental Disabilities to enable the Office to carry out fully the responsibilities assigned to it by the new Article.

§13.13 Local services

Derivation of Section. This section is new.

Substantive Changes. This section provides that planning and funding of services to the mentally retarded and developmentally disabled by local governments shall be in accordance with Article 41 of this Chapter (former Article 11).

§13.15 Programs of the office of mental retardation and developmental disabilities

Derivation of Section. This section is derived from MHL Section 9.03.

Substantive Changes. MHL Section 9.03 has been revised to pertain to developmental disabilities and the Office of Mental Retardation and Developmental Disabilities only.

§ 13.17 Programs, services and operations of facilities in the office of mental retardation and developmental disabilities

Derivation of Section. Subdivisions (a), (c) and (d) are derived from MHL Section 9.05. Subdivision (b) is derived from MHL Section 7.15.

Substantive Changes. MEL Section 9.05 has been revised to pertain to the Office of Mental Retardation and Developmental Disabilities and the developmentally disabled.

§ 13.19 Personnel of the office; regulations

Derivation of Section. This section is derived from MHL Section 7.11.

Substantive Changes. None.

§ 13.21 Directors of schools in the office of mental retardation and developmental disabilities

Derivation of Section. This section is derived from MHL Section 7.17.

Substantive Changes. Subdivisions (c) and (d) have no major changes other than the revisions to make them pertain to the Office of Mental Retardation and Developmental Disabilities and the developmentally disabled.

Subdivision (b) has been modified to require directors to immediately notify the Mental Health Information Service of alleged incidents of patient abuse.

§ 13.23 Education and training programs

Derivation of Section. This section is based on MHL Section 9.09.

H. 8982

Substantive Changes. The section has been revised to pertain to education and training programs in the Office of Mental Retardation and Developmental Disabilities only. That part of subdivision (b) which pertains to schools of nursing is deleted because such schools are generally in mental health facilities.

§ 13.25 Safety

Derivation of Section. This section is derived from MHL Section 9.15.

Substantive changes. None.

§ 13.27 Facility services

Derivation of Section. Subdivision (a) of Section 5.31 is based on MHL Section 9.17. Subdivision (b) is derived from MHL Section 9.19, subdivision (c) is derived from MHL Section 9.21, and (d) is based on MHL Section 9.23.

Substantive Changes. These four miscellaneous sections are grouped together as one section called "facility services". All four subdivisions have been revised to pertain to facilities under the jurisdiction of the Office and Commissioner of Mental Retardation and Developmental Disabilities.

§ 13.29 Gifts

Derivation of Section. This section is derived from MHL Section 9.27.

Substantive Changes. This section has been revised so that it pertains to the Commissioner and Office of Mental Retardation and Developmental Disabilities.

§ 13.31 Disposition of moneys and securities

Derivation of Section. This section is based on MHL Section 9.31.

A. 8482

Substantive Changes. This section has been revised so that it pertains to disposition of moneys and securities by the Commissioner and Office of Mental Retardation and Developmental Disabilities.

§ 13.33 Boards of visitors

Derivation of Section. This section is derived from MHL Section 7.19.

Substantive Changes. This section pertains to Boards of Visitors in schools under the jurisdiction of the Office and Commissioner of Mental Retardation and Developmental Disabilities only. No other substantive revisions have been made in MHL Section 7.19.

§ 13.35 Civil actions against mental retardation and developmental disabilities volunteers; indemnity

Derivation of Section. This section is derived from MHL Section 9.11.

Substantive Changes. This section has been revised to pertain to civil actions against volunteers in programs of the Office of Mental Retardation and Developmental Disabilities only.

Art. 15 - Admission of the mentally retarded to schools -- incorporates without change existing Article 33 of the Mental Hygiene Law

TITLE D - ALCOHOLISM AND SUBSTANCE ABUSE ACT

Art. 19 - Office of Alcoholism and Substance Abuse

§ 19.01 Declaration of Policy

States that alcoholism, opiate and non-opiate drug abuse are major health and mental health problems. Polydrug abuse and the use of drugs and alcohol is increasing and requires responsive treatment and prevention. The creation of a division of alcoholism and alcohol abuse and a division of drug abuse service will provide a framework for improved treatment services. The creation of the commission

A. 8988

on alcohol and substance abuse prevention and education can provide opportunities for new initiatives to decrease the abuse of alcohol and other substances.

§ 19.03 Definitions

Incorporates present definitions from §§ 81.03, 83.05, 83.07, and adds new definitions for the "directors", the "divisions", the "commission on alcohol and drug abuse prevention and education", "chairman of the commission", "intoxicated person", and "incapaciated by alcohol".

§ 19.05 Office of Alcoholism and Substance Abuse

- A. Establishes the office consisting of:
1. Commission on Alcohol and Substance Abuse Prevention and Education
 2. Division of Alcoholism and Alcohol Abuse
 3. Division of Substance Abuse Services
- B. There will be three members of the Commission appointed by the Governor each to be confirmed by the Senate and designated as:
1. Director of the Division of Alcoholism and Alcohol Abuse
 2. Director of the Division of Substance Abuse Services, and
 3. Chairman of the Commission on Alcohol and Substance Abuse Prevention and Education, respectively
- C. The Chairman and each director will have the power to:
1. establish rules and regulations
 2. enter into agreements for efficient administration of the commission and the two divisions
 3. hire and fire persons within their jurisdiction
 4. establish budgets to be submitted by the commission
 5. conduct private and public hearings
 6. the commission, as a body, shall make an annual report to the Governor and Legislature

A. 8982

§ 19.07

Powers and Duties of the Commission and Divisions

A. Subdivision (a) describes the powers of the division of alcoholism. The new powers include:

1. advise and assist the Governor in policy development
2. develop programs for persons suffering from alcoholism and their families
3. sponsor conferences
4. establish separate standards from substance abuse for treatment and staff
5. administer all appropriations for alcoholism
6. maintain an alcoholism research institute
7. coordinate alcohol related activities of other State departments
8. protect the rights of recovered alcoholics
9. establish standards for certifying and credentialling alcoholism counsellors
10. recommend ways to increase third party payments

B. Subdivision (b) enacts the powers of the division of substance abuse. This is derived from the current § 81.09.

C. Subdivision (c) establishes powers of the Commission which include:

1. develop preventive education programs,
2. administer school-based substance abuse programs,
3. promote prevention activities,
4. provide for public education on nature of alcohol and substance abuse, and
5. disseminate information on alcoholism and substance abuse services.

§ 19.09

Advisory Councils on Alcoholism and Substance Abuse

Creates two advisory councils; an advisory council on alcoholism and an advisory council on substance abuse.

These councils are derived from existing §§ 7.06 and 81.05.

A. 8182

New responsibility will involve assisting the Council on Mental Hygiene Planning in setting goals and objectives.

§ 19.11 Status of Facilities

Derivation of Section. This section is derived from MHL Section 81.11.

Substantive Changes. None.

§ 19.13. Civil actions against certain officers and employees of the state

Derivation of Section. This section is derived from MHL Section 81.08.

Substantive Changes. The scope of the coverage of MHL Section 81.08 is expanded to include officers or employees involved in providing services to persons in need of care and treatment for alcoholism.

§ 19.15 Use and indemnification of volunteers

Derivation of Section. This section is derived from MHL Section 9.11.

Substantive Changes. None.

§ 19.17 Education and training

Derivation of Section. This section is derived from MHL Section 9.09.

Substantive Changes. None.

§ 19.19 Funding of alcoholism services

Derivation of Section. This section is new.

Substantive Changes. This section provides that planning and funding of services to those suffering from alcoholism by local governments shall be in accordance with Article 41 of this Chapter.

A. 8982

- Art. 21 - Alcoholism facilities -- incorporates, with the exception of deletion of involuntary admission provisions, existing Article 35 of the Mental Hygiene Law.
- Art. 23 - Substance abuse facilities -- incorporates without change Sections 81.13, 81.15, 81.17, 81.19, 81.21, 81.25, 81.27, 81.29, 81.30, 81.31, 81.32, 81.35, and 81.38 of the Mental Hygiene Law.
- Art. 25 - Funding for alcoholism and substance abuse -- incorporates without change existing Articles 61, 83 and 85 of the Mental Hygiene Law.

TITLE E - GENERAL PROVISIONS

Several provisions of the Mental Hygiene Law have been re-numbered and included within Title E. The substance of all of the sections of the law included within this Title remain the same.

- Art. 29 - General provisions relating to in-patient facilities.
- Art. 31 - Regulation and quality control.
- Art. 33 - Patients rights
- Art. 41 - Local and Unified Service -- incorporates and makes certain amendments to existing Article 11 of the Mental Hygiene Law to conform the law in light of reorganization and to make certain substantive changes. Among the substantive changes are:

- § 41.05 Changes the composition of community boards and to include representatives of all covered
- § 41.11 disability groups and to require subcommittees for each of the disability groups. In cities of over one million population, the boards are required to have representatives from each of the counties within its jurisdiction.
- § 41.16 Specifies state and local responsibilities relevant to the local planning process. It specifies that local directors shall have final responsibility for the preparation of local and unified services plans to be submitted to the department for approval. It also requires a single process for plan review and approval within the department.

17. 8782

§ 41.17 Requires the commissioners of the department in consultation with the New York State Conference of Local Mental Hygiene Directors and other providers of services to develop, over a five year period, certain proposed standards and procedures for patient admissions and discharges to facilities for the mentally disabled, certain data bases relating to patient services and costs and, in consultation with recognized employee groups, programs addressed to departmental labor and employment issues.

§ 41.39 Provides state aid match through direct contracts if the sheltered workshop is not receiving any funds from the local governmental unit and so long as the program is in accordance with the approved local or unified services plan.

Art. 43 - Fees for services.

Art. 61 - Federal aid.

Art. 67 - Interstate relations.

Art. 71 - Acquisition of real property.

Art. 75 - Community mental health services and mental retardation services companies.

Art. 77 - Conservators.

Art. 78 - Committee of incompetent of patient.

Art. 79 - Proceedings relative to incompetent veterans and infant wards of the United States Veterans' Administration.

Bill section 24 - Requirements are established for each of the commissioners to identify those multiply disabled individuals being served by the department and to evaluate the appropriateness of the services provided to such individuals. The commissioners are required to cooperate in the development of a comprehensive plan for the care and treatment of all mentally disabled persons suffering from more than one disability. A report on this matter is to be made to the Governor and the Legislature no later than January 1, 1979.

The effective date of this bill is April 1, 1978. The commissioner of the department of mental hygiene and persons designated by the Governor to exercise the responsibilities of the commissioner of mental retardation and developmental disabilities and those of

A-8982

- 19 -

the members of the commission on alcohol
abuse education and prevention
to take action necessary in order to a
transition.

BILL MEMORANDUM

BILL NUMBER: A 8982

SPONSOR: Mr. Connelly

SUMMARY OF PROVISIONS:

Amends the Mental Hygiene Law in relation to effecting a reorganization of the Department of Mental Hygiene:

1. Creates three new autonomous Offices in DMH - the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, and the Office of Alcoholism and Substance Abuse.
2. Creates a three member Commission on Alcohol and Substance Abuse Prevention and Education within OASA. One of the members will serve as Chairman of the Commission, one member will be the Director of the Division of Alcoholism and Alcohol Abuse, and one member will be the Director of the Division of Substance Abuse Services.
3. Creates an Inter-Office Coordinating Council. Members of this Council include the Commissioners of the Offices of Mental Health, Mental Retardation and Developmental Disabilities, and the Directors of the Divisions of Alcoholism and Alcohol Abuse, and the Division of Substance Abuse. Responsibilities of the Inter-Office Coordinating Council include:
 - a. Comprehensive planning;
 - b. Ensuring that services are provided to the multiply disabled;
 - c. Coordination of research programs to eliminate wasteful duplication;
 - d. Meeting from time to time with the Conference of Local Mental Hygiene Directors.
4. The Commissioners and members of the Commission on Alcohol and Substance Abuse Prevention and Education are to be appointed by the Governor with the advise and consent of the Senate.
5. A definition of the term "developmental disabilities", which follows Federal statutory law, except that there is specific mention of the neurologically impaired, has been included for the Office of Mental Retardation and Developmental Disabilities.
6. Each Commissioner and member of the Commission has separate budgeting authority, program responsibility and accountability for the effective functioning of each Office or Division. Each has the authority to enter into agreements with the other Offices of the Department to assist him in carrying out the functions and duties assigned to him. In addition, each is required to submit an annual report to the Governor and the Legislature delineating progress toward the development of long range planning and implementation of programs and procedures consistent with the statewide goals and objectives to be developed by the Council for Mental Hygiene Planning.

A. 8782

7. The Council for MH Planning shall assess the progress of the Offices in achieving the goals and objectives of the Council. The composition of the Council has been slightly altered to ensure representation of the State, local government, non-governmental organizations and consumers.
8. Research programs are to be coordinated by the Inter-Office Coordinating Council to ensure a cooperative research effort and to eliminate wasteful duplication.
9. Each Commissioner shall prepare an annual report for the Governor and the Legislature regarding the delivery of care and services in family care homes and other community residences, and projected plans for providing and improving such homes and residences.
10. Mentally ill alcoholics may be admitted to alcoholism programs operated by psychiatric centers under contract with OASA.
11. Alcoholism, opiate and non-opiate substance abuse are major health and mental health problems.
12. The Commission on ASAP&E will have the following powers:
 - a. Develop preventive education programs and promote prevention activities;
 - b. Administer school-based substance abuse programs;
 - c. Provide for public education on the nature of alcohol and substance abuse;
 - d. Disseminate information on alcoholism and substance abuse services.
13. The Division of Alcoholism will have the following powers:
 - a. advise and assist the Governor in policy development;
 - b. develop programs for persons suffering from alcoholism and their families;
 - c. sponsor conferences;
 - d. establish separate standards from substance abuse for treatment and staff;
 - e. administer all appropriations for alcoholism;
 - f. maintain an alcoholism research institute;
 - g. coordinate alcohol related activities of other State departments;
 - h. protect the rights of recovered alcoholics;
 - i. establish standards for certifying and credentialing alcoholism counsellors;
 - j. recommend ways to increase third party payments.
14. The Commission, as a body, will provide an annual report to the Governor and the Legislature assessing the progress OASA is making to implement the programs and policies contained in this bill, including an accounting of the amounts, sources and uses of funds expended by each Division and the Commission. Each member of the Commission shall be responsible for preparing his section of the report.
15. Establishes an informal admission process for alcoholics and alcohol abusers.

A-8182

16. The composition of community boards has been changed to include all covered disability groups and requires subcommittees for each disability group. In cities of over one million, the boards are required to have representatives from each county within its jurisdiction.
17. Local directors will have the final responsibility for the preparation of local and unified services plans to be submitted to DMH for approval. The bill also requires a single process for plan review and approval within the Department.
18. Counties will be required to submit a five year comprehensive plan for services as is now mandated upon DMH.
19. Specific areas will be established for policy development regarding State and local coordination, including:
 - a. Admission and discharge standards and procedures;
 - b. Uniform evaluation system;
 - c. Facility rates;
 - d. Retraining and continued employment of State workers.
20. Provides for State aid match, through direct contracts, to sheltered workshops, if they are not receiving funds from the local governmental unit, so long as the program is in accordance with the approved local or unified services plan.
21. The Commissioner of Mental Hygiene and the individuals designated by the Governor to exercise the powers of the Commissioner of MR and DD, and the members of the Commission on ASAP&E are authorized to take necessary actions, including the preparation and submission of budget requests for the Offices established by this bill, to prepare for an orderly transition of the functions, powers and duties provided in this bill.

RECOMMENDATION: Approval

JUSTIFICATION:

The present administrative structure of DMH is heavily weighted in favor of the Division of Mental Health. As a result, the Divisions of Alcoholism and Mental Retardation have not been able to adequately develop and provide funding for programs that would provide needed services to their clients. In addition, the current administration of DMH has been unable to decrease emphasis on institutional care of the mentally ill in State run institutions and support the growth of community care.

This bill is an attempt to administratively restructure the DMH in order to allow for the development of a comprehensive system of care for the mentally disabled by establishing three autonomous Offices within DMH which will be functionally responsible for the provision of appropriate services to their separate client groups. A reorganization of the DMH will allow the Legislature to focus more directly on the funding needs of each office, each office's ability and willingness to effectuate positive changes within its area of service delivery, and, to develop coordinated services for the provision of needed services to the multiply disabled. The ability or inability of the three Offices to ensure the provision of services for the mentally disabled in the most effective and

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A-8982

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GOVERNOR RICH CAREY
EXECUTIVE OFFICE
ALBANY NY 12207

JUL 8 1977

DEAR GOVERNOR CAREY

THE BOARD OF VISITORS OF REGION NUMBER 6 ARE VEHEMENTLY OPPOSED TO THE
PASSAGE OF ARTICLE NUMBER 27 AMENDING ARTICLE NUMBER 11 OF THE MENTAL
HYGIENE LAWS. WE URGE FURTHER STUDY BY LEGISLATURE

ROCKLAND PSYCHIATRIC CENTER
ROCKLAND CHILDREN'S CENTER
MIDDLETOWN PSYCHIATRIC CENTER
THE HUDSON RIVER PSYCHIATRIC CENTER
KASSAID DEVELOPMENTAL CENTER

15:14 EST

MGMCOMP MGM

COMMZET TO THE GOVERNOR
JUL 18 1977
RECEIVED

SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBERS

CS

Multiple memorandum received from the
State Comptroller dated AUG 3 1977
stating the following bill is of
"No Interest" to the Department of
Audit and Control.

Intro. No.

Print No.

S-6833

The original memorandum filed with:

S-403-A

AUG 4 1977

S-6833



THE SENATE
STATE OF NEW YORK
ALBANY 12247

FRANK PADAVAN
11TH DISTRICT
CHAIRMAN
COMMITTEE ON MENTAL HYGIENE
AND ADDICTION CONTROL

DISTRICT OFFICE
224-50 BRADDOCK AVENUE
QUEENS VILLAGE, NEW YORK 11428
468-9516

July 13, 1977

JUL 14 1977

Honorable Judah Gribetz
Counsel to the Governor
Executive Chamber
The Capitol
Albany, New York

Dear Judah:

Enclosed is a copy of Senate Bill 6833 which I introduced in the Senate to effect a reorganization of the Department of Mental Hygiene.

Since this is part of the Governor's program and the memo originated with your office, and it is voluminous, I have not enclosed a copy. I trust that the Governor will sign the bill.

Sincerely yours

Frank Padavan

FP:pd

A 8982



State of New York
Department of Mental Hygiene

JUL 8 1977

ALVIN M. MESNIKOFF, M.D.
Director

SOUTH BEACH PSYCHIATRIC CENTER
HEIGHTS-HILL SERVICE
490 Fulton Street
Brooklyn, New York 11201
Tel.: 834-7373

Kenneth M. Glatt, Ph.D.
Chief of Service

ARNOLD WINSTON, M.D.
Deputy Director, Clinical
H. U. BLAISDELL
Deputy Director, Administration

COMMUNITY ADVISORY BOARD

May 16, 1977

Honorable Hugh L. Carey
Governor of New York
Executive Chambers
Albany, New York 12224

Dear Governor Carey:

We are very concerned about the proposed legislation (Article 27) which calls for the State Department of Mental Hygiene no longer providing direct mental health service in the community.

We are impressed with the responsibility that the legislators have for the welfare of persons with mental disabilities. Because we believe that there are questions about the proposed legislation which deserve careful consideration bearing upon the welfare of those mentally disabled persons, we urge you to postpone action on this legislation pending thorough study, adequate consideration and open hearings for the community.

Sincerely,

Alice G. Owen
Corresponding Secretary

AGO/lm

RECEIVED
MAY 16 1977
COMMUNITY ADVISORY BOARD

S-6833



NEW YORK STATE
DEPARTMENT OF SOCIAL SERVICES
19 NORTH PEARL STREET, ALBANY, NEW YORK 12243
PHILIP L. TOIA
Commissioner

153

JUL 22 1977

July 20, 1977

Honorable Judah Gribetz
Counsel to the Governor
The Capitol
Albany, New York 12224

Re: Senate 6833
Ten Day Bill

Dear Mr. Gribetz:

Your office has requested this Department's comments on the above-referenced bill, which is before the Governor for signature.

The Department recommends approval of the bill for the reasons stated in the enclosed memorandum.

Sincerely,

Philip L. Toia
Philip L. Toia

CS

Enclosure

5-6833



CS

LAWRENCE C. KOLB, M.D.
COMMISSIONER

WILLIAM A. CARNAHAN
COUNSEL

ROBERT A. MCKINLEY, M.D.
FIRST DEPUTY COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF MENTAL HYGIENE
OFFICE OF COUNSEL
44 HOLLAND AVENUE
ALBANY, N. Y. 12229
(518) 474-1331

July 29, 1977

AUG 1 1977

Honorable Judah Gribetz
Counsel to the Governor
Executive Chamber
State Capitol
Albany, New York

Re: Senate 6833 by Senator Padavan, et al.

AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

Dear Mr. Gribetz:

This is in response to your request that this Department comment upon above referenced ten-day bill.

The Department of Mental Hygiene drafted this bill in cooperation with your office and the Office of the Secretary to the Governor. This bill reflects the policy of the Department and has our support.

Yours Respectfully,

PAUL LITWAK
Deputy Counsel for Legislation

PL/klh

5-6833

DIVISION OF THE BUDGET
ALBANY

MEMORANDUM

CS

To: Clarence J. Sundram

Date: July 29, 1977

From: Susan Rapp *SR*

Subject: 10-day bills

Pursuant to Frank White's instructions, the Division of the Budget will not comment on the following 10-day bills concerning the Mental Hygiene reorganization:

- | | |
|-----------|-----------|
| S. 6249-A | A. 7854 |
| ✓ S. 6833 | A. 7951-A |
| S. 6856 | A. 7956-A |
| | A. 7957 |

SR:jh

AUG 1 1977

C.S.



#-8982
S. 6833

STATE OF NEW YORK
FACILITIES DEVELOPMENT CORPORATION

44 HOLLAND AVENUE, ALBANY, N.Y. 12208

DIRECTORS

CHARLES SCHLAIFER, *Chairman*

BENNETT ABRAMS
LAWRENCE C. KOLB, M.D.
ROBERT P. WHALEN, M.D.

J. LAWRENCE MURRAY, *Executive Director*

July 29, 1977

AUG 1 1977

Hon. Judah Gribetz
Executive Chamber
State Capitol
Albany, New York 12224

Re: Assembly 8982

Dear Mr. Gribetz:

This bill amends the Mental Hygiene Law to effectuate a reorganization of the Department of Mental Hygiene. It creates three new autonomous offices in the Department of Mental Hygiene - the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and, the Office of Alcoholism and Substance Abuse Services.

The Facilities Development Corporation has reviewed the original draft and revised drafts of proposed legislation to reorganize the Department of Mental Hygiene. Our review was limited in scope to matters in the proposed legislation which would directly or indirectly affect the Corporation. The majority of our previous objections have been taken care of by the present bill.

The proposed new Sections 7.31 and 13.31 of the Mental Hygiene Law continue the present requirement of Section 9.31 of the Mental Hygiene Law to require the transfer of receipts of all money received for the care, maintenance and treatment of patients, to the Commissioner of Taxation and Finance as agent for the Facilities Development Corporation. The money is used to meet the principal and interest payments to the Housing Finance Agency for bonds issued by that Agency to finance mental hygiene facilities. It is, therefore, in fact, security for such bonds. Mental hygiene facilities as defined in Section 3 of the Facilities Development Corporation Act include Drug Abuse facilities. It will, therefore, be necessary to insert a section similar to Sections 7.31 and 13.31, in Title "D", which pertains to the new Office of Alcoholism and Substance Abuse. The money paid over to the Corporation from the

CREATED BY THE LEGISLATURE OF THE STATE OF NEW YORK FOR THE CONSTRUCTION AND REHABILITATION OF HEALTH, MENTAL HYGIENE, DRUG ABUSE AND CORRECTIONAL FACILITIES

Hon. Judah Gribetz
Re: Assembly 8982
Page 2

July 29, 1977


Drug Abuse Program for the year 1976-77 was \$7,503,031. The amount projected to be paid over in 1977-78 is \$3 million, and the amount projected to be paid over in 1978-79 is \$1-1/2 million.

In addition, the new Section 25.01, which would authorize each director to receive, use or distribute Federal financial assistance, may prevent payment over to the Corporation of the above projected future payments. If this does present a problem, it can be taken care of by amending legislation in 1978.

The legislative package for the reorganization of the Department of Mental Hygiene distributes all the existing powers of the Department among the three new autonomous offices and other state agencies and commissions. This raises a question as to whether or not the proposed reorganization violates Article V, Sections 2 and 3 of the New York State Constitution, which limits the number of civil departments and provides for legislative transfer of functions within the Executive Branch. These provisions were added to the Constitution in 1925 and were reconsidered and amended to their present form after intensive study in 1961. Limiting the number of departments by constitutional mandate was to enhance administrative responsibility and control and to prevent the proliferation of departments of government. We suggest that the question of the constitutionality of the reorganization proposal be submitted to the Attorney General for his opinion.

Except as noted above, this Corporation does not object to the approval of this bill.

Sincerely,



J. LAWRENCE MURRAY
Executive Director

MEMORANDUM ACCOMPANYING COMMENTS ON BILLS BEFORE

THE GOVERNOR FOR EXECUTIVE ACTION

New York State Department of Social Services

July 20, 1977

Introduced by Senator Fadavan, et al

SENATE

Int. 6833

RECOMMENDATION: Approval

STATUTES INVOLVED: Mental Hygiene Law

EFFECTIVE DATE: The first day of April next succeeding the date upon which it shall have become law.

DISCUSSION:

1. Purpose of bill: To repeal provisions of law establishing the Department of Mental Hygiene and admitting alcoholics to alcoholism facilities. This bill would enact new provisions establishing three independent offices within the Mental Hygiene Department, namely, an Office of Mental Health, an Office of Mental Retardation and Developmental Disabilities and an Office of Alcoholism and Substance Abuse. Powers and duties of each such department and commissioner are delineated and a State Conference of Local Mental Hygiene Directors would be created in order to prevent unnecessary fragmentation in planning and financing.
2. Provisions of bill: Titles A, B, C, D, and E are created and various other Articles and Sections of the Mental Hygiene Law are repealed, renumbered, or amended in order to accomplish the above-stated purpose.
3. Prior legislative history: None.
4. Known position of others respecting bill: The New York State Department of Mental Hygiene has no comment regarding this bill.
5. Arguments in support of bill: Reorganization of the Department of Mental Hygiene will promote comprehensive planning, provide the organizational framework necessary for better delivery of services, and bring about greater accountability to client groups through the separation of offices according to function. The net result of this reorganization will be to provide the State of New York with a mechanism for more effective client care in the area of mental health services. Also, the quality of care provided to clients of the Department should be increased through the efficiency in administration that would result from the reorganization.
6. Reason for recommendation: See number five above.



S-6833

EMPIRE STATE PLAZA, TOWER BUILDING, ROOM 1161, ALBANY, NEW YORK 12237

518-474-6416

MEMORANDUM

TO: Judah Gribetz
FROM: David Solomon
DATE: August 5, 1977

AUG 9 1977

SUBJECT: S.6833; AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

The subject bill establishes three independent offices, an Office of Mental Health, an Office of Mental Retardation and Developmental Disabilities and an Office of Alcoholism and Substance Abuse, within the Department of Mental Hygiene. New Articles 1, 5, 7, 13, 19, 21, 23 and 25 and several complementary and new amendments are added to the Mental Hygiene Law.

The measure incorporates the recommendations of the Governor set forth in the State of the Health Message to reorganize the Department of Mental Hygiene so that separate classes of the mentally disabled can be most effectively and economically served. As set forth in the legislative finding, the establishment of the three offices will enhance the accountability of the Department and assist in assuring the measure of independence necessary to implement separate programs for the care and treatment of the various groups of patients.

The Health Planning Commission recommends approval of the measure.

DAS:mab



LOUIS J. LEFKOWITZ
ATTORNEY GENERAL
STATE OF NEW YORK

AUG 9 1977

S-683

TWO WORLD TRADE CENTER
NEW YORK, NEW YORK 10047

MEMORANDUM FOR THE GOVERNOR

RE: SENATE 6833

PURPOSE OF BILL: To effect an extensive amendment to the mental hygiene law especially with respect to the organization of the department of mental hygiene.

Article 5 of the proposed law reorganizes the department of mental hygiene to provide for three autonomous offices with no central authority to resolve day to day disagreements among them within the executive branch except for the governor. The experience of this office has shown that disputes do arise between developmental centers and psychiatric centers with respect to the most appropriate placement of individual patients. Such disputes are presently settled within the department of mental hygiene by a regional director or assistant commissioner. Although the proposed law contains various provisions respecting coordinating the efforts of the separate offices there is no central authority within the department and the legislative call for coordination may become more wish than mandate in the absence of frequent intervention by the governor.

Article 19 subdivides the office of alcoholism and substance abuse into a commission and two divisions with no clear-cut overall executive authority over the separate entities.

Section 1.03 of the proposed law contains no definition of "family care" except to state in subdivision 28 thereof that the term "community residence" does not include "family care homes". Since the repeal and reenactment of mental hygiene law section 29.15 by the law of 1975 there has been no definition of "family care" in the mental hygiene law. Since some directors of mental hygiene facilities follow the practice of applying for court authorized retention of patients in family care homes and since local governments may seek to regulate such homes by zoning or licensing ordinances, family care should be specifically defined and provided for in the

mental hygiene law.

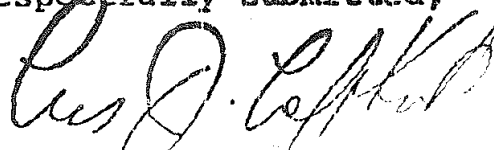
Sections 7.11 b, 7.17 b, 13.11b and 13.17 b of the proposed law continue the legislature policy contained in present sections 7.13 b and 7.15 a, b, of prohibiting the commissioner from discontinuing any of fifty-seven named facilities and schools. No such restriction is placed on the directors in the office of alcoholism and substance abuse.

Sections 9.27, 9.37 and 9.39 of the proposed law specifically provide that the fact that a mentally ill person also suffers from alcohol or substance abuse shall not preclude such person's involuntary commitment as mentally ill. However, proposed sections 9.13 and 9.15 contain no such specific provision concerning the voluntary or informal admission of such a person. Although there is presently no reason to suppose that a mentally ill person who also suffers from alcohol or substance abuse is ineligible for hospitalization as mentally ill, the specific references to such persons in connection only with involuntary commitment in the proposed law could result in significance being attached to the omission of such reference with respect to voluntary or informal admissions.

Aside from the comments hereinabove made, I have no legal objections to the bill.

Date: August 9, 1977

Respectfully submitted,



LOUIS J. LEFKOWITZ
Attorney General



A-8982

Telegram

ABB287(1723)(?-056758E187)PD 07/06/77 1722

ICS IPMMIZZ CSP

5184653545 TDMT ALBANY NY 170 07-06 0522P EST

JUL 8 1977

PMS GOVERNOR HUGH L CAREY EXECUTIVE CHAMBER, RUSH SEND IMMEDIATELY
STATE CAPITAL
ALBANY NY 12224

THE BOARD OF GOVERNORS OF THE HOSPITAL ASSOCIATION OF GREATER NEW
YORK SUPPORTS IN PRINCIPLE S6833/A8982, A BILL TO REORGANIZE THE
DEPARTMENT OF MENTAL HYGIENE. WE ENDORSE THE THRUST OF THIS
LEGISLATION ALONG WITH THE THOROUGH AND CONSCIENTIOUS METHOD IN
WHICH THE PLAN WAS CONCEIVED AND DEVELOPED.

THE BILL SEEKS TO CREATE A COMPREHENSIVE INTEGRATED SYSTEM OF
PATIENT SERVICES TO BE PROVIDED IN THE HOME COMMUNITY. IF
EFFECTIVELY IMPLEMENTED IT COULD RESULT IN A COLLABORATIVE DELIVERY
SYSTEM FOR SINGLE DIAGNOSIS AND MULTIPLY HANDICAPPED PATIENTS

SF-1201 (RS-69)

5-6833

JAMES W. ROEMER, JR.
JAMES D. FEATHERSTONHAUGH
E. GUY ROEMER

ROEMER AND FEATHERSTONHAUGH
COUNSELLORS AT LAW
THE TWIN TOWERS
99 WASHINGTON AVENUE
ALBANY, NEW YORK 12210

C

RICHARD I. BURSTEIN
MARJORIE E. KAROWE
PAULINE F. ROGERS
THOMAS A. CONWAY
STEPHEN J. WILEY
MICHAEL J. SMITH
WILLIAM M. WALLENS

TEL. (518) 436-7663

JUL 26 1977

July 15th, 1977

Hon. Judah Gribetz
Executive Chamber
State Capitol
Albany, New York 12224

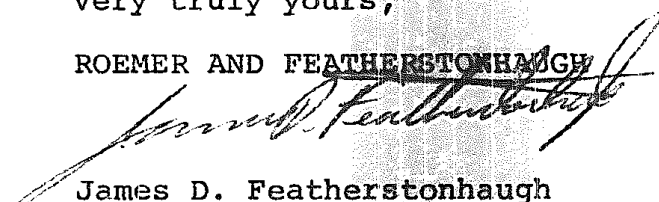
RE: S. 6833, 6249-A, 6856
A. 7951-A, 7854-A

Dear Mr. Gribetz:

The above numbered bills passed as part of a Mental Hygiene reform, reorganization package. The package passed with bipartisan support and also with the support of the Civil Service Employees Association, as well as other interested groups. CSEA has not changed its support on this package. At this time, I would like to thank your office as well as the staff and the leadership of both houses of the legislature for insuring that CSEA played a part in the discussion of these bills.

Very truly yours,

ROEMER AND FEATHERSTONHAUGH



James D. Featherstonhaugh

JDF:E

cc: Elizabeth A. Connelly
NYS ASSEMBLY
Room 741
Legislative Office Bldg.
Albany, New York

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FRAN COOLITTLE
69 WILSON AVE
BINGHAMTON NY 13905

western union Mailgram



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DR FRANK RICH CARBY
SENATOR
ALBANY NY 12247

JUL 8 1977
JUL 8 1977

THE NEW YORK STATE ASSOCIATION OF COMMUNITY MENTAL HEALTH, MENTAL
REHABILITATION AND ALCOHOLISM SERVICES BOARDS STRONGLY OPPOSES THE
SENATOR CARBY LAW, AT THE PRESENT TIME, YOUR MENTAL HYGIENE
REORGANIZATION PROPOSAL AND ALSO THE CONKLIN BILL AND VOLKER BILL, AND
WILL OPPOSE PASSAGE AS A STUDY BILL YOUR PROPOSAL INCLUDING ARTICLE 27
IT MUST BE GIVEN ADEQUATE CONSIDERATION BE GIVEN TO THE POSSIBLE RESULT OF
SUCH CHANGES.

FRANCOIS COOLITTLE, PRESIDENT
NEW YORK STATE ASSOCIATION OF COMMUNITY MENTAL HEALTH, MENTAL RETARDATIO
AND ALCOHOLISM SERVICES BOARDS

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COOLITTLE
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TO ORDER BY MAIL GRAM, SEE REVERSE SIDE FOR WESTERN UNION'S TOLL-FREE PHONE NUMBERS

S- 6833

JUL 19 1977

An organization of
parents and friends
to help all
the mentally retarded,
wherever they are,
regardless of race,
color, creed or age

NEW YORK
STATE
ASSOCIATION FOR RETARDED CHILDREN, INCORPORATED



175 FIFTH AVENUE • NEW YORK, N. Y. 10010 • 674-1520

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Immediate Past President

July 13, 1977

Hon. Judah Gribetz
Counsel to the Governor
Executive Chamber
State Capitol
Albany, N.Y. 12224

Dear Mr. Gribetz:

Re: S. 6833 Padavan

This bill is the bill effecting the reorganization of the Department of Mental Hygiene. It is well known that this organization was in favor of such a reorganization, but with removal of mental retardation from the Mental Hygiene Law, placing it in the Executive Department.

Nevertheless, we still consider this reorganization a step forward in the right direction, and we urge the Governor to sign this.

Sincerely,


Joseph T. Weingold
Executive Director

JTW:md

Retarded
Children
CAN Be
Helped!

S-6833

THE NEW YORK STATE

MENTAL HEALTH ASSOCIATION, INC.

POST OFFICE BOX 4957 • PLOUGHKEEPSIE, NEW YORK 12602

Legislative Office (518) 456-5715

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1977

S.6245-Padavan, et al
A. 7950-Connelly, et al
S. 6833 - A.8982

NOT endorsed -- amendment essential

Reorganization of Department of Mental Hygiene

This bill, dealing with reorganization of the Department of Mental Hygiene, is one of several proposals which would effectively change the present departmental structure. All the bills recognize current problems and offer solutions of one kind or another. All are responsible measures and can be justified.

The Governor's reorganization bill, by its inclusive nature, is the only one which attempts to deal with the problem of multiply handicapped persons. Yet even this bill does not go nearly far enough to assure to these people the treatment they are entitled to. At present, far too many of the multiply handicapped simply fall between the administrative and jurisdictional cracks and get improper, insufficient, or no treatment at all.

This bill, or any revised version of it or of any of the other reorganization plans which may finally emerge from legislative and executive negotiation, would therefore be unacceptable unless real provision is made to assure care to the multiply handicapped.

There must be assurance that primary jurisdiction for the care of every person with a behavioral problem will be assigned to a specific agency (or Office, or Department, or whatever finally emerges). In short, there must be a "no decline" option -- no loopholes, no buck-passing -- primary responsibility for the care of everyone needing care must be assigned.

And once primary jurisdiction is assured, there must be provision in the law to assure cooperation between agencies so that the best and most effective care is provided.

Without such amendments, no reorganization plan could prove more than just papre shuffling. With these provisions for care of the multiply handicapped, a responsible reorganization plan could go on to great success. We most strongly urge inclusion of these suggested amendments in any reorganization legislation.

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New York State
Association
COUNTIES

C.J.S.

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1977

150 STATE STREET ALBANY, NEW YORK 12207 (518) 465-1473

C. William Baker

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July 19, 1977

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Herbert H. Smith

Charles R. Clark

Carmelo J. Basile

Lucien A. Moran

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Joseph F. Griffo

Dorothy E. Kotel

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William J. Murphy

Peter Q. Eschweiler

J. Gregory Wynne

Joseph R. Bala

Henry Schurr

Hon. Judah Gribetz
Executive Chamber
State Capitol
Albany, New York 12224

Re: Senate 6833 by Senators Padavan,
Conklin, Volker, Schermerhorn,
Farber, Perry, Gazzara and Nolan.

Dear Mr. Gribetz:

This is a bill which would effect the reorganization of the Department of Mental Hygiene, repeal certain provisions relating to mental hygiene and incorporate in the department an office of alcoholism and also drug.

This Association realizes that the Department of Mental Hygiene is probably the largest state department in existence but after careful examination of this bill, the persons in county government knowing mental hygiene the best, report to our legislative committee that the setup will not improve service, it will impose an additional administrative burden on counties. Both the state and the counties will be forced to add personnel to take care of the duties imposed by this bill, and in general, the administration of mental patients, of drug patient and alcohol patients will be complicated by the provisions of the bill rather than simplified which is the avowed purpose of the reorganization.

This bill is disapproved by our Association.

Sincerely,

Herbert H. Smith,
Special Assistant for NYSAC

HHS:km

8982
Counsel's Office

New York State Branch
National Council of Community Mental Health Centers

Public Affairs Office 113 State Street Albany, N. Y. 12207 (518) 465-3545

MEMORANDUM OF SUPPORT

JUL 8 1977

Re: S. 6833
A. 8982

AN ACT to amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

The New York State Branch of the National Council of Community Mental Health Centers, representing comprehensive community mental health centers in New York State, supports the plan to reorganize the Department of Mental Hygiene into three separate offices of Mental Health, Mental Retardation and Developmental Disabilities and Alcoholism and Substance Abuse.

We endorse the expressed determination to develop a comprehensive, integrated system of care and treatment for patients in their home communities. This continuum of services should include existing providers as well as the expanded participation from hospital-based mental health services, CMHC's, non-governmental facilities and voluntary agencies. We believe that this bill, through its emphasis on inter-office coordination and its intent to open up the local planning process, has the flexibility to provide a more innovative and responsible planning and delivery system.

We particularly favor the legislative mandate carried in the bill that would require an inventory and collaborative service arrangement to better serve the needs of the multiply handicapped.

Further, the reorganization plan does address the goals and objectives for State-local long range planning. If we are to achieve reform of the Department of Mental Hygiene system, we must necessarily seek the consistent standards and effective program review procedures that could result from a properly initiated planning effort.

Finally, we are mindful of the thorough process that was employed by the Governor and the Legislature in researching and drafting the reorganization plan. We are most anxious to continue our review and input as the legislation is approved and will work with your offices to help achieve success for the plan.

Respectfully submitted,

July 7, 1977

William T. Hart, Chairman
New York State Branch
National Council of CMHC's

jm

S-6833

C.S

COMMUNITY SERVICE SOCIETY

105 E 72

STREET

NEW YORK, N.Y. 10021



DEPARTMENT OF PUBLIC AFFAIRS

GEORGIA L. McMURRAY
Director

ALAN P. BROWNSTEIN
Staff Associate for Health

July 21, 1977

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Honorable Judah Gribetz
Executive Chamber
State Capitol
Albany, New York 12224

RE: S.6833 - To amend the mental hygiene law, in relation to effecting a reorganization of the department of mental hygiene and to repeal certain provisions thereof relating thereto

Dear Mr. Gribetz:

The Community Service Society agrees that there needs to be major change in the structure and financing of mental hygiene services in New York State. We support the goal of restructuring the massive Department of Mental Hygiene so as to clarify the roles of various components of the system, and to facilitate greater responsiveness to the service needs of communities and particular groups of mentally disabled persons. We are already on record in support of the consolidation of alcoholism and substance abuse services as a logical step to acknowledge the relationship among the addictive disorders and bring substance abuse into the mainstream of health care.

The Community Service Society is concerned that the plan for creating three autonomous offices presents inherent structural obstacles to achieving the desired reforms.

Our major reservation is based on our lack of confidence in the ability of a tripartite structure to develop a statewide system of comprehensive community-based services which would meet the needs of all the mentally disabled, including those with more than one disability.

The proposed legislation, recognizing the potentially fragmenting effects of the tripartite structure, mandates coordination of the offices, primarily through an Inter-Office Coordinating Council comprised of the commissioners of the Offices of Mental Health and Mental Retardation and Developmental Disabilities and the

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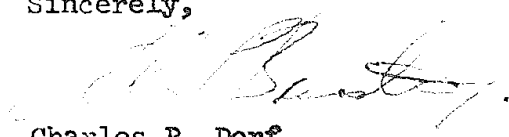
Honorable Judah Gribetz
July 21, 1977
Page 2

directors of the Divisions of Alcoholism and Alcohol Abuse and of Substance Abuse Services. Section 5.05 provides that the Council, "consistent with the autonomy of each office and division for matters within its jurisdiction, shall ensure that the state policy for the prevention, care, treatment and rehabilitation of mental illness, mental retardation and developmental disability, alcoholism and substance abuse is planned, developed and implemented comprehensively; that gaps in services to the multiply disabled are eliminated and that no person is denied treatment and services because he suffers from more than one disability; that procedures for the regulation of programs which offer care and treatment for more than one class of mentally disabled persons be coordinated between the offices having jurisdiction over such programs; and that research projects of the institutes are coordinated to maximize the success and cost effectiveness of such projects and to eliminate wasteful duplication."

The legislative language and procedural devices intended to safeguard coordination of the offices must be more than cosmetic if the restructured Department is to function effectively. The Community Service Society strongly urges that the primacy and integrity of the Inter-Office Coordinating Council be established as soon as possible. This would require early regulatory delineation of the Council's authority, adequate funding and full-time assignment of staff to carry out the Council's functions. The success of this statute is largely contingent on the ability of the Council to fulfil its mandate. The Governor in turn must provide leadership to insure that the Council has the resources and support necessary to perform its duties.

Thank you for providing us the opportunity to present our views on this matter.

Sincerely,



Charles B. Dorf
Chairman
Committee on Health

CRD/SWT:er

cc: Clarence Sundrum, Esq.
James Introne, Esq.