

# Committee on Mental Health and Developmental Disabilities

Winter 2012-2013 Newsletter

Sheldon Silver, Speaker • Félix W. Ortiz, Chair

## Message from the Chair



I am pleased to share with you news from the Assembly Committee on Mental Health and Developmental Disabilities. The Committee has worked diligently on bringing the needs of the mental health and developmental disabilities communities to the forefront of conversations and will continue to advocate increased access to safe, appropriate care and treatment focused on and tailored to individualized needs. The Committee was active providing public hearings, meeting with key stakeholders in the field including service

recipients, providers, agency representatives and families. The Committee conducted hearings and reviewed numerous pieces of legislation. The Legislative Session culminated in the passage of the Protection of People with Special Needs Act, known to most as the “Justice Center” in which the Committee took a primary role in analyzing. Below are more highlights of the 2012 Legislative Session.

Sincerely,



Félix W. Ortiz, Chair

## Significant Legislation

### Increasing Access to Services for Individuals with Mental Illness

It is critical that individuals who may be in need of services from OMH or its network of providers are aware of available options for treatment and afforded access to such programs. Equally important to guaranteeing access to services is ensuring that individuals with a mental illness feel encouraged and supported in their decision to seek treatment. Due to the overwhelming stigma that surrounds mental illness, many times individuals do not entertain the idea of treatment, nor do they seek assistance. The committee is steadfast in its commitment to ensuring that significant steps are taken to reduce the stigma that surrounds mental illness so that individuals and families can understand their circumstances and make positive healthy decisions.

#### **A.126A (Cusick)/ S.3423A (McDonald)**

Mental Hygiene Legal Services (MHLS) is charged with assisting individuals who receive services from the Office of Mental Health (OMH), the Office for People With Developmental Disabilities (OPWDD), and the Office of Alcoholism and Substance Abuse Services (OASAS) with legal representation. Currently, individuals with serious mental illness who reside in nursing home settings are not able to receive services through MHLS. This bill would expand Mental Hygiene Legal Services' jurisdiction to include individuals with serious mental illness who reside in nursing homes.

#### **A.1070A (Ortiz)/ S.4760A (McDonald)**

As the federal government begins to withdraw troops from overseas conflicts, there will be a significant increase in the number of veterans returning to New York State looking to return to life after war. With this comes the challenge of finding work or returning to school, coping with physical injuries sustained overseas and transitioning back into life with family and friends.

In addition, many returning military have been exposed to or have experienced trauma while in combat, placing many of these individuals in high-risk categories of triggering underlying conditions, such as Post Traumatic Stress Disorder (PTSD), substance abuse or other mental health issues. This is complicated further by the pronounced stigma that is associated with mental illness and substance abuse among military communities. Left untreated, combat-related mental health issues can manifest through substance abuse, the criminal justice system, and even suicide.

This bill would require the Office of Mental Health (OMH) to engage in a public awareness program for veterans and their families in an effort to eliminate stigma about mental illness and chemical dependency among service members, veterans and their families.

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Assemblyman Félix Ortiz discusses various topics with the Center for Independence of the Disabled.

# Significant Legislation

## **A.5167 (Ortiz)**

This bill would require the Office of Mental Health (OMH) and the State Education Department (SED) to coordinate efforts to provide culturally competent information to educators on youth depression and suicide prevention measures.

## **A.9130 (Ortiz)/ S.5245 (McDonald)**

This bill would require the Office of Mental Health (OMH) to make available to counties of under 75,000 in population, a psychiatrist from a nearby OMH facility in order to provide examination and testimony during Kendra's Law (Assisted Outpatient Treatment) hearings.



Assemblyman Félix Ortiz and Commissioner Courtney Burke of the Office for People With Developmental Disabilities (OPWDD) discuss the agency's progress report at a Mental Health Committee meeting.

## **Preventing Abuse and Neglect/ Ensuring Quality of Care**

A primary focus of the Committee remains to increase the safety and quality of care for individuals receiving services from the mental hygiene agencies. The Committee is focused on continuing to support and advance legislation to alleviate abuse and neglect that may occur while individuals receive services through the Office for People With Developmental Disabilities (OPWDD) and the Office of Mental Health (OMH).

## **A.6665A (Ortiz)/ S.5791 (McDonald)**

Currently, the Office for People With Developmental Disabilities (OPWDD) is required to make at least two facility visits per year where one of the two visits is unannounced. This bill would require OPWDD to make at least three unannounced visits to facilities operated or licensed by OPWDD. The bill also would authorize any Developmental Disabilities Services Office (DDSO)



Assemblyman Félix Ortiz at Disabilities Awareness Day.

Board of Visitor member or any other individual approved by the Commissioner to attend an inspection as an independent monitor.

## **A.9118 (Ortiz)/ S.5794 (McDonald)**

This bill would require the commissioner of OPWDD to create rules and regulations requiring all employees and volunteers to receive training on abuse, neglect and maltreatment indication and prevention; laws, regulations and procedures governing the protection of persons with disabilities from abuse, neglect, and maltreatment; identification, safety and security procedures; fire safety; first aid; cardiopulmonary resuscitation; cultural competence; and any other appropriate topic.

## **Empowering Service Recipients and Their Families**

A key detail in ensuring service recipients receive sufficient person-centered care is providing individuals and their families with access and information. This empowers individuals and their families to keep the service system accountable.

## **A.9037A (Weisenberg)/ A.6620A (McDonald)**

This bill would authorize information obtained through Jonathan's Law to be further disseminated to a health care provider, a behavioral health care provider, law enforcement (if it is believed that a crime has been committed), or the recipient's attorney. Currently, once a parent has obtained such information it may not be released to any other person.

## **A.9777A (Ortiz)/ S.7475A (McDonald)**

When Jonathan's Law was passed in 2007 the state agencies interpreted the language to apply prospectively. A Chapter was then signed to allow a two-year period of access to records dating back to 2003. This bill would extend these provisions for two additional years to allow access to information dating back to 2003.

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Assemblyman Félix Ortiz meets with We the People.

## Autism

Autism and Autism Spectrum Disorders (ASD) remain a focus of the Committee. The Mental Health and Developmental Disabilities Committee is committed to supporting legislation which allows for a better quality of life for individuals with ASD and their families.

### **A.2954A (Weisenberg)/ S.2150A (McDonald)**

This bill would create the New York Autism Spectrum Disorders Treatment, Training and Research Council which would develop a coordinated New York State Autism Spectrum Disorders Treatment, Training, and Research Policy and Plan, review state agency initiatives for the consistency with such plan, provide a continuing forum for discussion related to the development and implementation of such plan, and take steps to expand and coordinate treatment, training and research.



Assemblyman Félix Ortiz attends the Opening Ceremony at the Special Olympics.



Assemblyman Félix Ortiz meets to discuss the NYS budget with the NYS Association for School Psychologists.

## The Justice Center for the Protection of People with Special Needs

### **A.10721 (Ortiz)/ S.7749 (McDonald)**

The end of the 2012 legislative session culminated in the passage of the “Protection of People with Special Needs Act.” This historic piece of legislation established a foundation for increased protection and quality of care for children and adults who reside in state operated, certified, or licensed programs under the auspices of the Office of Mental Health, the Office for People With Developmental Disabilities, and the Office of Alcoholism and Substance Abuse; children residing in the Office for Children and Family Services (OCFS) facilities for juvenile delinquents or juvenile offenders, and OCFS licensed residential programs or facilities; children residing in State Education Department programs and individuals living in adult homes, enriched living programs, overnight summer camps, and assisted living facilities overseen by the Department of Health (DOH).

The Protection of People with Special Needs Act created a new state agency known as the “Justice Center for the Protection of People with Special Needs” that will primarily focus on the protection of vulnerable persons from abuse, neglect, and poor quality of care. The Justice Center will employ a Special Prosecutor and Inspector General for the Protection of People with Special Needs who will investigate reports of abuse and neglect, prosecute allegations that rise to the level of criminal offenses, and determine a course of action for disciplinary proceedings for employees who have been found to have committed acts of abuse or neglect.

In addition, the Justice Center will also be responsible for operating a 24-hour hotline in which certain mandated reporters will be required to report abuse or neglect involving individuals served in certain residential and non-residential facilities and programs; maintaining a statewide database for tracking all reports of abuse and neglect and a statewide register of employees or volunteers who have committed serious acts of abuse who will be prohibited from working with persons with disabilities or special needs; and developing a code of conduct of basic ethical standards for workers who have regular contact with service recipients.

The legislation also would create clear definitions of abuse and neglect; establish a table of penalties for employees who are found to have committed acts of abuse or neglect; expand access to information to individuals, families, and legal representatives; create an advisory council representing individuals, families, employees and advocates to advise and assist the Justice Center on policies related to preventing abuse and neglect; and statutorily establish an independent Protection and Advocacy program (P&A) which will be responsible for providing federally mandated, legally based advocacy on behalf of persons with disabilities.

## Further Information

Access to services plays a key role in screening, treatment, and recovery. Knowing how to access information can sometimes be difficult and overwhelming. Below is important information on a variety of services available to New Yorkers.

### Developmental Disabilities

#### New York State Office for People with Developmental Disabilities (OPWDD)

- Visit the OPWDD website at [www.opwdd.ny.gov](http://www.opwdd.ny.gov) to search for available services and further localized information.

### Suicide Prevention

The New York State Suicide Prevention Resource Center website ([www.sprc.org](http://www.sprc.org)) provides information that includes:

- Contact Information
- Recent Developments
- State Events
- State and Local Prevention Resources

Or, if you know someone who is in suicidal crisis, call **1-800-273-TALK (8255)**

### Services for Veterans

- A list of VA and Vet Center facilities can be found online at: [www.va.gov](http://www.va.gov) or call the VA's general helpline at **1-800-827-1000**

### Mental Health Services

#### New York State Office of Mental Health (OMH)

- Visit the OMH website at [www.omh.ny.gov](http://www.omh.ny.gov) to search for mental health programs by county, program category, or subcategories, including addresses and phone numbers of service providers in your community
- If you have questions or complaints about mental health services in New York State you may call: **1-800-597-8481**
- Also, if you are in crisis OMH provides this toll-free line: **1-800-273-TALK (8255)**

### Alcohol and Substance Abuse

#### New York State Office of Alcoholism and Substance Abuse Services (OASAS)

- To locate a certified service provider by name, city, or county visit OASAS' website: [www.oasas.ny.gov](http://www.oasas.ny.gov)
- New York State HOPELINE **1-877-8-HOPENY** (1-877-846-7369). This number offers help 24 hours a day, 365 days a year, and your call is anonymous and confidential.

### Services for those Affected by Superstorm Sandy

- For individuals affected by Superstorm Sandy, information on obtaining various types of assistance can be found at: [http://assembly.state.ny.us/disasterresponse/201211\\_disaster\\_response.pdf](http://assembly.state.ny.us/disasterresponse/201211_disaster_response.pdf)



Assemblyman Félix Ortiz attends the NYS National Alliance for Mental Illness (NAMI) Legislative Conference.



Assemblyman Félix Ortiz provides updates to the public on the NYS budget negotiations.

### Contact Assemblyman Félix Ortiz

District Office: 404 55th Street • Brooklyn, NY 11220 • 718-492-6334

Albany Office: LOB 826 • Albany, NY 12248 • 518-455-3821

[ortizf@assembly.state.ny.us](mailto:ortizf@assembly.state.ny.us)