

# STATE OF NEW YORK

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7693

## IN SENATE

January 7, 2022

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Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to establishing a council for treatment equity within the office of addiction services and supports

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 19.45 of the mental hygiene law, as added by a  
2 chapter of the laws of 2021 amending the mental hygiene law relating to  
3 establishing a council for treatment equity within the office of  
4 addiction services and supports, as proposed in legislative bills  
5 numbers S. 679-A and A. 1927-A, is amended to read as follows:

6 § 19.45 The council for treatment equity.

7 1. Definitions. As used in this section:

8 (a) "Council" shall mean the council for treatment equity, within the  
9 office of addiction services and supports, created pursuant to this  
10 section which shall consist of a [full time] director and any additional  
11 full or part-time staff the commissioner deems necessary to effectuate  
12 the provisions of this section.

13 (b) ["Treatment equity advisory board" shall mean the advisory board  
14 to the council, created pursuant to subdivision three of this section.

15 (c) "Vulnerable populations" shall mean those who have experienced  
16 injustices and disadvantages as a result of their race, ethnicity, sexu-  
17 al orientation, gender identity, disability status, age, socioeconomic  
18 status and/or any other status which has caused a person to experience  
19 injustices and disadvantages.

20 [(d)] (c) "Racially and ethnically diverse areas" shall mean counties  
21 where the non-white population is forty percent or more or the service  
22 area of an agency, corporation, facility or individual providing  
23 substance use disorder services where the non-white population of said  
24 area is forty percent or more.

25 [(e)] (d) "Provider of services" shall mean any agency, corporation,  
26 facility or individual providing substance use disorder services to  
27 vulnerable populations.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 [(f)] (e) "Treatment disparities" shall mean measurable differences in  
2 access to and quality of substance use disorder services as determined  
3 by race, ethnicity, sexual orientation, gender identity, disability  
4 status, age and socioeconomic status.

5 [(g)] (f) "Treatment equity" shall mean achieving the highest level of  
6 substance use disorder services for all people and shall entail focused  
7 efforts to address avoidable inequalities by equalizing those conditions  
8 for substance use disorder services for those that have experienced  
9 injustices and socioeconomic disadvantages.

10 2. The council for treatment equity. There is hereby created, within  
11 the office of addiction services and supports, a council for treatment  
12 equity. The council, in conjunction with the [treatment equity advisory  
13 board] behavioral health services advisory council, shall have the  
14 following powers and duties:

15 (a) Work collaboratively with [the office, other] relevant state agen-  
16 cies, [the] local governmental [unit] units as defined in article  
17 forty-one of this chapter and other affected stakeholders, including,  
18 but not limited to, providers to and representatives of vulnerable popu-  
19 lations, in order to set priorities to achieve treatment equity in both  
20 racial and ethnically diverse areas and for vulnerable populations  
21 throughout the state;

22 (b) Analyze collected data to determine the causes of treatment  
23 disparities in both racially and ethnically diverse areas and for  
24 vulnerable populations throughout the state, including any economic,  
25 physical, social or cultural barriers;

26 (c) Develop and implement strategies aimed at achieving treatment  
27 equity in racially and ethnically diverse areas and among vulnerable  
28 populations;

29 (d) Promote community involvement by conducting promotional and educa-  
30 tional outreach programs regarding substance use disorders and available  
31 services; and

32 (e) Review the impact of current laws, rules, regulations, policies  
33 and programs that may be affecting the ability to achieve treatment  
34 equity.

35 3. [The treatment equity advisory board. (a) The treatment equity  
36 advisory board shall consist of thirteen members. Six members shall be  
37 appointed by the governor, three members appointed by the temporary  
38 president of the senate, three members appointed by the speaker of the  
39 assembly and the final member shall be the chairperson of the conference  
40 of local mental hygiene directors, or his or her designee. The chair-  
41 person of the board shall be the commissioner or their designee.

42 (b) The members of the board shall be from the community with exper-  
43 tise in conducting substance use disorder services. In making such  
44 appointments, due consideration shall be given to ensuring adequate  
45 geographic representation.

46 (c) The term of office for each member of the treatment equity advi-  
47 sory board shall be two years. Vacancies in the treatment equity advi-  
48 sory board, other than by expiration of a term, shall be filled for the  
49 remainder of the unexpired term in the same manner as original appoint-  
50 ments.

51 (d) The members of the treatment equity advisory board shall receive  
52 no compensation for their services, but shall be reimbursed for all  
53 expenses actually and necessarily incurred by them in the performance of  
54 their duties under this section within the amount made available by  
55 appropriation therefor.

1 4.] Report. The council shall submit a written report to the governor,  
2 the temporary president of the senate and the speaker of the assembly no  
3 later than one year succeeding the effective date of this section and  
4 annually thereafter, setting forth the findings, recommendations and  
5 activities of the council on matters within the scope of its powers and  
6 duties as set forth in this section.

7 § 2. Subdivisions (a), (b), (e) and (f) of section 5.06 of the mental  
8 hygiene law, as added by section 2 of part N of chapter 56 of the laws  
9 of 2012, paragraph 5 of subdivision (b) as amended by section 31 of part  
10 AA of chapter 56 of the laws of 2019, are amended to read as follows:

11 (a) There is hereby created within the department a behavioral health  
12 services advisory council, the purpose of which shall be to advise the  
13 offices of mental health and [alcoholism and substance abuse services]  
14 addiction services and supports on matters relating to the provision of  
15 behavioral health services; issues of joint concern to the offices,  
16 including the integration of various behavioral health services and the  
17 integration of behavioral health services with health services; [and]  
18 issues related to the delivery of behavioral health services that are  
19 responsive to local, state and federal concerns; and issues related to  
20 treatment disparities and treatment equity, as defined in section 19.45  
21 of this chapter. The council shall consist of the commissioners of  
22 mental health and of [alcoholism and substance abuse services] addiction  
23 services and supports, who shall not have the right to vote, the chair  
24 of the conference of local mental hygiene directors or his or her desig-  
25 nee, and [twenty-eight] thirty-two members appointed by the governor,  
26 upon the advice and consent of the senate. Members shall be appointed  
27 only if they have professional knowledge in the care of persons receiv-  
28 ing behavioral health services, or an active interest in the behavioral  
29 health services system.

30 (b) The governor shall designate one of the members of the council as  
31 chair. At least one-half of the members of the council shall not be  
32 providers of behavioral health services. Membership shall reflect a  
33 balanced representation of persons with interests in mental health and  
34 substance use disorder services and shall include:

35 (1) at least five current or former consumers of behavioral health  
36 services;

37 (2) at least three individuals who are parents or relatives of current  
38 or former consumers of behavioral health services;

39 (3) at least three members who are not providers of behavioral health  
40 services and who represent non-governmental organizations, such as not-  
41 for-profit entities representing health or behavioral health care  
42 employees, private payors of behavioral health services, or other organ-  
43 izations concerned with the provision of behavioral health services;

44 (4) at least five representatives of providers of services to persons  
45 with mental illness and at least five representatives of providers of  
46 services to persons with substance use disorders, at least two of whom  
47 shall be physicians and at least one of whom shall have provided  
48 services to veterans who served in a combat theater or combat zone of  
49 operations;

50 (5) one member appointed on the recommendation of the state director  
51 of the division of veterans' services and one member appointed on the  
52 recommendation of the adjutant general of the division of military and  
53 naval affairs, at least one of whom shall be a current or former consum-  
54 er of mental health services or substance use disorder services who is a  
55 veteran who has served in a combat theater or combat zone of operations  
56 and is a member of a veterans organization;

1 (6) at least three representatives of local governments or other state  
2 and local agencies concerned with the provision of behavioral health  
3 services; [and]

4 (7) at least two members who are also members of the public health and  
5 health planning council pursuant to section two hundred twenty of the  
6 public health law[.]; and

7 (8) at least four members that have expertise in issues facing vulner-  
8 able populations, as defined in section 19.45 of this chapter, who are  
9 receiving or seeking to receive substance use disorder services. Of such  
10 members, one member shall be appointed by the governor at the recommen-  
11 dation of the temporary president of the senate, one member shall be  
12 appointed by the governor at the recommendation of the minority leader  
13 of the senate, one member shall be appointed by the governor at the  
14 recommendation of the speaker of the assembly and one member shall be  
15 appointed by the governor at the recommendation of the minority leader  
16 of the assembly.

17 (e) The council shall establish such committees as it deems necessary  
18 to address the service needs of special populations and to address  
19 particular subjects of importance in the development and management of  
20 behavioral health services. Provided however, the council shall estab-  
21 lish a committee to specifically focus on substance use disorder treat-  
22 ment disparities that may exist for vulnerable populations, as defined  
23 in section 19.45 of this chapter.

24 (f) The council may consider any matter relating to the improvement of  
25 behavioral health services in the state and shall advise the commission-  
26 ers on any such matter, including, but not limited to:

27 (1) care and services to persons with behavioral health disorders,  
28 including special and underserved populations as determined by the  
29 commissioner;

30 (2) financing behavioral health services;

31 (3) integration of behavioral health services with health services;

32 (4) care and services for persons with co-occurring disorders or  
33 multiple disabilities;

34 (5) prevention of behavioral health disorders; [and]

35 (6) improvement of care in state operated or community based programs,  
36 recruitment, education and training of qualified direct care personnel,  
37 and protection of the interests of employees affected by adjustments in  
38 the behavioral health service system[.]; and

39 (7) ways to achieve treatment equity, as defined in section 19.45 of  
40 this chapter.

41 § 3. This act shall take effect on the same date and in the same  
42 manner as a chapter of the laws of 2021 amending the mental hygiene law  
43 relating to establishing a council for treatment equity within the  
44 office of addiction services and supports, as proposed in legislative  
45 bills numbers S. 679-A and A. 1927-A, takes effect.