

**BILL TEXT:**

**STATE OF NEW YORK**

5398--A

Cal. No. 917

2007-2008 Regular Sessions

**IN SENATE**

April 25, 2007

Introduced by Sen. MORAHAN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Develop- mental Disabilities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, substituted by Assembly No. 3568, substitution reconsidered, vote reconsidered, restored to third reading, amended on third reading

AN ACT to establish a temporary task force on developmental disabilities and establishing the powers and duties thereof; and providing for the repeal of such provisions upon expiration thereof

**The People of the State of New York, represented in Senate and Assem- bly, do enact as follows:**

1 Section 1. Legislative intent. The legislature finds that the office  
2 of mental retardation and developmental disabilities promulgated  
an  
3 advisory guideline (August 10, 2001) that includes an eligibility  
stand-  
4 ard for the services of such office that excludes many persons who  
are  
5 substantially handicapped by certain developmental disabilities.  
The  
6 legislature further finds that this advisory guideline conflicts  
with  
7 the mental hygiene law, which includes cerebral palsy, epilepsy,  
neuro-

8 logical impairment, familial dysautonomia or autism in its definition  
of  
9 a "developmental disability". To correct this inconsistency and  
to  
10 adequately address the needs of consumers substantially handicapped  
by  
11 such developmental disabilities, the legislature finds that a  
temporary  
12 task force on developmental disabilities should be established.  
13 § 2. A temporary task force on developmental disabilities is  
hereby  
14 established to develop eligibility guidelines that are sensitive to  
the  
15 disabling effects of cerebral palsy, epilepsy, neurological  
impairment,  
16 familial dysautonomia or autism. Such task force shall develop a  
defi-  
17 nition of "substantial handicap due to cerebral palsy, epilepsy,  
neuro-  
18 logical impairment, familial dysautonomia or autism", determine  
measure-  
19 ment instruments or mechanisms that could be used to  
establish  
20 substantial handicap due to cerebral palsy, epilepsy,  
neurological

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in  
brackets

[-] is old law to be omitted.

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1 impairment, familial dysautonomia or autism, consider the  
potential  
2 progressive nature of some of these conditions and address the "age  
of  
3 onset" requirement in qualifying for office of mental retardation  
and  
4 developmental disabilities services.  
5 § 3. The temporary task force on developmental disabilities  
shall  
6 consist of 15 members. The commissioner of mental retardation and  
devel-  
7 opmental disabilities shall be the chair of such task force and a  
non-  
8 voting member. The remaining 14 members shall be appointed as  
follows:  
9 four members by the governor, four members by the temporary president  
of  
10 the senate, four members by the speaker of the assembly, one member  
by  
11 the minority leader of the senate, and one member by the minority  
leader  
12 of the assembly. All members shall be appointed only if they  
have

13 demonstrated an active interest in the treatment of persons with  
mental  
14 retardation and developmental disabilities generally, with at least  
two  
15 of the four members appointed by the governor, temporary president  
of  
16 the senate, and speaker of the assembly, being actively engaged in  
the  
17 treatment of people with cerebral palsy, epilepsy, neurological  
impair-  
18 ment, familial dysautonomia and autism. Vacancies in the membership  
of  
19 such task force shall be filled in the manner provided for  
original

20 appointments.  
21 § 4. The members of the temporary task force on developmental  
disabil-  
22 ities shall receive no compensation for their services, but shall  
be  
23 allowed their actual and necessary expenses incurred in performing  
their  
24 duties pursuant to this act.

25 § 5. To the maximum extent feasible, the temporary task force  
on  
26 developmental disabilities shall be entitled to request and receive,  
and  
27 shall utilize and be provided with such facilities, resources and  
data  
28 of any court, department, division, board, bureau, commission or  
agency  
29 of the state or any political subdivision thereof as it may  
reasonably  
30 request to properly carry out its powers and duties.

31 § 6. The temporary task force on developmental disabilities  
shall  
32 report its findings, conclusions and recommendations to the governor  
and  
33 legislature. These recommendations shall be taken into  
consideration

34 when establishing eligibility standards for services provided by  
the  
35 office of mental retardation and developmental disabilities to  
people  
36 substantially handicapped by cerebral palsy, epilepsy,  
neurological  
37 impairment, familial dysautonomia and autism within six months from  
the  
38 date of the filing of such report.

39 § 7. This act shall take effect immediately and shall expire and  
be  
40 deemed repealed November 1, 2008.