

A7332 Lupardo (MS) Same as [S 4094](#) LIBOUS
Mental Hygiene Law

TITLE....Provides for the continuity of care to persons with developmental disabilities upon diminution of state operated services to such persons

05/06/15 referred to mental health

06/02/15 reported referred to ways and means

06/15/15 reported referred to rules

06/15/15 reported

06/15/15 rules report cal.472

06/15/15 ordered to third reading rules cal.472

06/17/15 passed assembly

06/17/15 delivered to senate

06/17/15 REFERRED TO RULES

06/18/15 SUBSTITUTED FOR S4094

06/18/15 PASSED SENATE

06/18/15 RETURNED TO ASSEMBLY

11/10/15 delivered to governor

11/20/15 vetoed memo.239

11/20/15 tabled

VETO MESSAGE - No. 239

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 7332, entitled:

"AN ACT to amend the mental hygiene law, in relation to providing state operated opportunities for people with developmental disabilities"

NOT APPROVED

This bill would amend the Mental Hygiene Law to increase the number of State-run institutionalized settings for caring for people with developmental disabilities, and to phase away from placing such persons in smaller, integrated community-based care settings run by non-profit organizations.

All people with disabilities should have the opportunity to determine their own plans of care in the least restrictive setting. To that end, the Office for People with Developmental Disabilities (OPWDD) is in the midst of a multi-year transition process phasing away from institutionalized care for persons with disabilities. This downsizing effort is required by the United States Supreme Court's Olmstead decision and a 2011 Transformation Agreement between OPWDD and the Centers for Medicare and Medicaid Services (CMS).

This bill would mandate that OPWDD reverse its policy of community integration, and move back to caring for persons with disabilities in institutionalized State-run settings. This would run counter to the Olmstead mandate, federal Medicaid guidance, and generally accepted practices for the care of persons with disabilities. For these reasons I cannot approve this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO
