

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Aileen M. Gunther, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Mental Health



Aileen M. Gunther
Member of Assembly
100th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Mental Health

CHAIR
Subcommittee on Women's
Health

COMMITTEES
Agriculture
Environmental Conservation
Health
Racing and Wagering

December 15, 2023

Honorable Carl E.
Heastie Speaker of
the Assembly
Legislative Office Building,
Room 932

Dear Mr. Speaker:

It is my duty and privilege to submit to you the 2023 Annual Report for the Assembly Standing Committee on Mental Health.

As you are aware, New York made an historical investment of \$1 billion in the FY2023-24 Enacted Budget for mental health programs, including expanding capacity for mental health housing, in-patient, and out-patient treatment services. However, these initiatives cannot be successfully implemented without a sufficient workforce. Existing programs are experiencing staffing vacancy rates of 30-40% making it difficult to meet the needs of those requiring care.

Under your leadership as speaker, the Assembly Majority must continue to support budget initiatives such as the Human Services COLA and loan forgiveness programs for mental health professionals, which will help to retain the current workforce. But, in order to ensure New York State residents are able receive mental health services on-demand without delay or disruption, it is critical that the Assembly Majority support a long-term plan to create a sustainable mental health workforce by developing a high school to college mental health workforce pipeline, delineate various pathways of career development; and incentivize high school and college students to enter the mental health profession by increasing the availability of tuition assistance grants and fellowships for those who choose to enter the field.

While the Committee is cognizant of the many fiscal priorities across the State, we cannot allow New York's bold investment in mental health services be diminished at a time of such great need. It is imperative that the Assembly Majority makes the mental health workforce's needs one of its main priorities.

In closing, I would like to thank you for your leadership and support of the Assembly Standing Committee on Mental Health, and I look forward to a productive 2023 Legislative Session.

Aileen M.
Gunther
Chair
Assembly Standing Committee on Mental Health

2023 ANNUAL REPORT OF THE NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON MENTAL HEALTH

Aileen M. Gunther Chair

Committee Members

Majority

Didi Barrett
Nathalia Fernandez
Mathlyde Frontus
Chantel Jackson
Sarah Clark
Manny De Los Santos
Edward Gibbs
Anna R. Kelles
Angelo Santabarbara

Minority

Jarett Gandolfo
Ari Brown
Mary Beth Walsh

Committee Staff

Thomas Gatto, Legislative Director
Lena DeThomasis, Committee Clerk

Program and Counsel Staff

Janice Nieves, Assistant Secretary for Program and Policy
Willie Sanchez, Principal Analyst
Gabriella Cavanagh, Associate Counsel
Sarah Conklin, Secretary

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I. INTRODUCTION

The Assembly Standing Committee on Mental Health has jurisdiction over policy and initiatives affecting programs that deliver services, care, treatment, and advocacy for individuals with various disabilities. The Committee focuses on ensuring that individuals with a mental illness or a developmental disability are provided appropriate and necessary services to live a fulfilling life and are protected from abuse or harm in institutional and community settings.

The Committee has oversight of programs administered and licensed by the Office of Mental Health, the Office for People with Developmental Disabilities, the Justice Center for the Protection of People with Special Needs (Justice Center), and the Inter-Office Coordinating Council (IOCC).

The agencies are expected to serve nearly one million individuals in 2023, including persons with mental illness, individuals with developmental disabilities, and their families. The Committee also works closely with the New York State Assembly Standing Committee on Alcoholism and Drug Abuse, the Assembly Standing Committee on Veterans Affairs, the Assembly Standing Committee on Correction, and the Assembly Standing Committee on People with Disabilities.

During the 2023 session, the Committee reviewed bills and addressed many issues aimed at providing quality services, enhancing protections, and increasing access to services for individuals with various disabilities.

This report describes the Committee's major legislative activities during the 2023 session.

II. STATE BUDGET HIGHLIGHTS

Over the past several years, the mental hygiene service system has experienced sweeping changes to funding structures of programs under the auspices of the Office of Mental Health (OMH). The State Fiscal Year (SFY) 2023-24 Enacted Budget provides critical resources for individuals with mental illness, and their families. The Enacted Budget provides an increase of \$1.22 billion in funding for OMH over the Enacted Budget for 2022-23.

Within OMH the following proposals and appropriations were enacted in the 2023-24 Budget:

A. Cost of Living Adjustment (COLA)

The Legislature provides a 4 percent cost of living adjustment (COLA) for human service providers, and authorizes the COLA starting April 1, 2023, through March 31, 2024. The total state share cost for SFY 2023-24 is \$324.32 million for all Mental Health agencies, with \$81 million for OMH not-for-profit providers.

B. Expansion of Mental Health Services

The Enacted Budget includes a \$1 billion multi-year expansion of Mental Health services for the following programs:

- \$890 million for Residential Program Expansion;
- \$60 million for Outpatient Services Expansion;
- \$39 million for Existing Residential Programs; and
- \$15 million for Inpatient Services Expansion.

C. Recruitment of Mental Health Practitioners

The Legislature includes \$14 million in funding to support the recruitment and retention of psychiatrists and psychiatric nurse practitioners in mental health programs. This includes psychiatric inpatient units in general hospitals, comprehensive psychiatric emergency programs (CPEPs), crisis residential and outpatient programs.

D. Veterans Mental Health Services

The Enacted Budget provides \$7.72 million to continue funding for the statewide Joseph P. Dwyer Peer-to-peer Veteran's Support Program. This funding includes an increase of \$15,000 to ensure that Columbia and Greene counties have the necessary financial support.

It also includes continued funding of \$1 million to support the CARES UP Initiative (Changing the Conversation, Awareness, Resilience, Empower Peers, Skills Building and Suicide Prevention for Uniformed Personnel).

- Funding will support resiliency trainings, media awareness campaigns, wellness programming and suicide prevention for veterans, firefighters, law enforcement, emergency medical service members (EMS) and correction officers.

E. 988 Suicide Prevention and Behavioral Health Crisis Hotline

The Enacted Budget includes \$60 million in funding to support the implementation of the 988 Crisis Hotline. Funding will support technology, equipment, staffing and other additional administrative costs to operate crisis call centers throughout the state. The hotline will provide services to individuals in crisis due to mental health and substance use disorders.

F. Supported Housing Resources

The Enacted Budget provides \$25.5 million in funding to create 3,500 new residential units for individuals with mental illness, including:

- 1,500 supportive housing units;
- 900 transitional step down units;
- 600 licensed apartment units; and
- 500 community residence- single room occupancy beds.

G. Behavioral Health Ombudsman Program

The Enacted Budget continues \$1.5 million to maintain the operation of an independent behavioral health ombudsman program. The program educates individuals, families, and health care providers on their legal rights to coverage, helps them to access treatment and services and will investigate and resolve complaints regarding denial of health insurance coverage.

- The Behavioral Health Compliance Fund, will continue to collect penalties from insurers who violate Federal and State behavioral health parity laws, this would contribute up to \$3.5 million to support the Substance Use and Mental Health Ombudsman Program, for total funding of \$8.5 million.

III. SIGNIFICANT LEGISLATION

1. Monitoring Inpatient Services and Community-Based Service Reinvestment

A.613 (Gunther)/S.1354 (Skoufis)
Chapter 9

This law requires the commissioner of the Office of Mental Health (OMH) to provide monthly status reports of the community-based service investments and the impact on inpatient census to the chair of the senate finance committee and the chair of the assembly ways and means committee and to post such report on the office's website.

2. Reduce Administrative Barriers to Quality Care

A.5697 (Barrett)/S.4521 (Brouk)
Chapter 391

This law allows a mandated reporter to refrain from filing an incident report when the reporter has actual knowledge that the reportable incident has already been reported to the register; and that they have been named as a person with knowledge of the incident in such prior report.

3. Enhance Diagnosis and Treatment of Veterans with Post Traumatic Stress Disorder (PTSD)

A.793 (Hunter)/S.7274 (Parker)
Passed both Houses

This bill would require the OMH to establish a training program for the diagnosis and treatment of PTSD for military veterans. The program includes a component on military culture competency and is intended for the training of mental health providers and mental health clinicians; certification of the completion of the program may be provided to participants through the office.

4. Mitigate the Risk of Suicide for Black Youth

A.1510 (Jean-Pierre)/S.1861 (Brouk)
Veto memo 40

This bill would establish the Black youth suicide prevention task force.

5. Improve Mental Health Supportive Housing Services for Elderly Residents

A.5119 (Gunther)/S.5178 (Brouk)
Veto memo 80

This bill would establish a temporary commission within OMH to evaluate and provide recommendations to improve services for elderly residents of mental health supportive housing programs.

6. Create Mental Health Parity with Physical Health

A.5588 (Barrett)/S.3995 (Harckham)
3rd Reading

This bill would amend the New York State Constitution to make the protection and promotion of mental health a matter of public concern.

7. Mitigate the Risk of Suicide for Latinas

A.6960 (Davila)/S.5082 (Fernandez)
Veto memo 79

This bill would establish the Latina suicide prevention task force.

8. Reduce Mental Health Stigma for Underserved Populations

A.7406 (Gunther)
Referred to the Assembly Committee on Ways and Means

This bill would require OMH to develop a public anti-stigma mental health education program targeting the public and underserved populations.

IV. HEARINGS & ROUNDTABLES

A. Workforce

On December 19th, 2023, the Assembly Standing Committee on Health, the Assembly Standing Committee on Mental Health, the Assembly Standing Committee on People with Disabilities, the Assembly Standing Committee on Higher Education, and the Assembly Standing Committee on Labor convened a hearing to examine the status of the health care workforce in New York State. This hearing provided an opportunity for these Committees to receive feedback and recommendations from individuals and stakeholders in the various fields, including valuable information on rates of attrition and vacancy rates, worker wellness, training, education, and workplace conditions.

Throughout the hearing, witnesses discussed the severity of the workforce crisis across New York State. The depleted health care workforce compounds access and quality of care challenges throughout the larger health care system, which many witnesses identified as a key issue. Testimony provided by stakeholders identified multiple ways in which the challenges in the current system can be remedied, including increasing funding for Direct Support Providers, increase in Medicaid rates, creation of a loan forgiveness system, and the implementation of a 3.2% Cost of Living Adjustment (COLA) in the FY 2024 budget and an investment of \$500 million in behavioral health—the kind of investment that would stimulate the economy of mental health, that would attract workers, that would not have to force them into second and third jobs to pay the rent.

Other witnesses called for the Office of Mental Health to develop a career pipeline to promote the benefits of a career in mental health service community. This pipeline would include the development of an OMH licensed credential program for paraprofessionals and the creation of a Qualified Mental Health Associate.

Some witnesses supported A-6839, a study bill that would bring together the Comptrollers' Office, the New York State Department of Taxation and Finance Department and the New York State Department of Financial Services to cost out how much a retirement benefit would cost the state and employers.

The Chairs of the Committees and their respective members are continuing to review and explore potential legislative and regulatory actions which could help alleviate the health care workforce shortage in these sectors.

APPENDIX A

2023 SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Mental Health

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 5

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

	1	0	1
Codes	1	0	1
Judiciary	13	0	13
Ways and Means	1	0	1
Rules	1	0	1
Floor	17	0	17
TOTAL			

COMMITTEE ACTION

Held For Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	2	0	2
REMAINING IN COMMITTEE	54	8	62

BILLS REFERENCE CHANGED TO:

HEALTH 1

TOTAL	1	0	1
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APPENDIX B

**FINAL ACTION ON BILLS REPORTED BY THE STANDING COMMITTEE
ON MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES IN 2023**

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	Description
A.613 Gunther	S.1354 Skoufis	Chapter 9	This law requires the commissioner of the Office of Mental Health (OMH) to provide monthly status reports of the community-based service investments and the impact on inpatient census to the chair of the senate finance committee and the chair of the assembly ways and means committee and to post such report on the office's website.
A.793 Hunter	S.7274 Parker	Passed both Houses	This bill would require the OMH to establish a training program for the diagnosis and treatment of post-traumatic stress disorder for military veterans. The program includes a component on military culture competency and is intended for the training of mental health providers and mental health clinicians; certification of the completion of the program may be provided to participants through the office.
A.1441 Gunther	S.1575 Brouk	Referred to the Assembly Committee on Ways and Means	This bill would establish a credentialing pilot program for direct support professionals to assist and enhance the field of direct care support.
A.1510 Jean-Pierre	S.1861 Brouk	Veto memo 40	This bill would establish the Black youth suicide prevention task force.
A.1683 Jean-Pierre	S.6433 Mannion	Referred to the Assembly Committee on Ways and Means	This bill would develop policies and procedures to safeguard cash accounts for developmental disability service recipients in a residential facility.
A.3856 Gunther	S.3156 Mannion	Referred to the Assembly Committee on Ways and Means	This bill would establish housing navigation as a service in New York's developmental disabilities sector and require the Commissioner of the Office for People with Developmental Disabilities (OPWDD) to develop a housing navigation training curriculum, oversee the implementation of such curriculum, and provide statewide training to individuals for the provision of housing navigation services.
A.4070-A Gunther	S.3140 Mannion	Referred to the Assembly Committee on Ways and Means	This bill would require OPWDD to provide reimbursement of a service furnished by a local service provider while the Commissioner approves the service, provided however, if a service is not approved and reimbursement has already occurred, the local service provider return the amount of such reimbursement to OPWDD within sixty days after being notified of such denial.
A.5065 Gunther	S.3115 Mannion	Referred to the Assembly Committee on Ways and Means	This bill would require OMH to deposit application fees for the issuance of operating certificates into the mental illness anti-stigma fund.

A.5119 Gunther	S.5178 Brouk	Veto memo 80	This bill would establish a temporary commission within OMH to evaluate and provide recommendations to improve services for elderly residents of mental health supportive housing programs.
A.5220 Gunther	NA	Referred to the Assembly Committee on Codes	This bill would direct the commissioner of OMH to promulgate regulations for the release of certain patient records.
A.5588 Barrett	S.2992 Harckham	Ordered to 3 rd Reading	This bill would amend the New York State Constitution to provide parity between physical and mental health.
A.5697 Barrett	S.4521 Brouk	Chapter 391	This law allows a mandated reporter to refrain from filing an incident report when the reporter has actual knowledge that the reportable incident has already been reported to the register; and that they have been named as a person with knowledge of the incident in such prior report.
A.6801-A Buttenschon	NA	Referred to the Assembly Committee on Ways and Means	This bill would establish a developmental disability, mental health, and behavioral condition community stakeholder committee to examine effective evidence-based developmental, mental, and behavioral health screening methods for children in kindergarten through fifth grade.
A.6960 Davila	S.5082 Fernandez	Veto memo 79	This bill would establish the Latina suicide prevention task force.
A.7188 Gunther	NA	Referred to the Assembly Committee on Ways and Means	This bill would establish the rural suicide prevention council.
A.7395 Darling	NA	Referred to the Assembly Committee on Rules	This bill would provide for definitions of mental health, family and youth peer and require OMH to establish peer service qualification programs.
A.7406 Gunther	NA	Referred to the Assembly Committee on Ways and Means	This bill would require OMH to develop a public anti-stigma mental health education program targeting the public and underserved populations.

APPENDIX C

LAWS ENACTED 2023

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.613 Gunther	S.1354 Skoufis	Chapter 9	This law requires the commissioner of the Office of Mental Health (OMH) to provide monthly status reports of the community investments and the impact on inpatient census to the chair of the senate finance committee and the chair of the Assembly Ways and Means Committee and to post such report on the office's website.
A.5697 Barrett	S.4521 Brouk	Chapter 391	This law allows a mandated reporter to refrain from filing an incident report when the reporter has actual knowledge that the reportable incident has already been reported to the register; and that they have been named as a person with knowledge of the incident in such prior report.

APPENDIX D

LEGISLATION VETOED 2023

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
A.1510 Jean-Pierre	S.1861 Brouk	Veto memo 40	This bill would establish a Black youth suicide prevention task force.
A.5119 Gunther	S.5178 Brouk	Veto memo 80	This bill would establish a temporary commission within OMH to evaluate and provide recommendations to improve services for elderly residents of mental health supportive housing programs.
A.6960 Davila	S.5082 Fernandez	Veto memo 79	This bill would establish the Latina suicide prevention task force.