

**LOCAL LAW INTRO. NO. - 2022**

A LOCAL LAW amending various sections of the Laws of Westchester County, to change the language used in reference to individuals with intellectual/developmental disabilities, and to employ the use of person-centered language.

BE IT ENACTED by the County Board of the County of Westchester as follows:

**Section 1.** Section 156.01 of Chapter 156 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 156.01. - Department established; Commissioner of Mental Health.**

There shall be a Department of Community Mental Health which shall develop all community preventive, rehabilitative, and treatment services offering continuity of care; the department shall have the responsibility to improve and to expand within departmental appropriations existing community programs for [the mentally ill, the mentally retarded and the developmentally disabled, and those suffering from the diseases of alcoholism and substance abuse] individuals with mental illness, intellectual/developmental disabilities, and/or addiction; to plan for the integration of community and state services and facilities for [the mentally disabled] individuals with mental disabilities and to cooperate with other local governments and with the state in the provision of joint services and sharing of manpower resources. The head of the department shall be the Commissioner of Community Mental Health. [He] The Commissioner shall be appointed by the County Executive with the approval of the County Board of Legislators. [He] The Commissioner shall have such other

qualifications as may be required by the County Board and the Laws of the State of New York.

**Section 2.** Section 156.11 of Chapter 156 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 156.11. - Powers and duties of the department.**

The department shall have the duty and responsibility of managing, overseeing, and directing all mental health, [mental retardation,] intellectual/developmental disability, [alcoholism] and [substance abuse] addiction services under its jurisdiction or control as required by law.

**Section 3.** Subsections “1” and “2” of Section 156.31 of Chapter 156 of the Laws of Westchester County are hereby amended to read as follows:

**Sec. 156.31. - Community Services Board established.**

There shall be in the Department of Community Mental Health a Community Services Board. Such Board shall consist of 14 members to be appointed by the County Executive with the approval of the County Board of Legislators and one member shall be appointed by the [Chairman] Chair of the Board of Legislators.

1. Of the 15 members who form the Community Services Board, one member shall be a licensed physician, one member shall be a certified psychologist; of the remaining members at least two members shall be licensed physicians who shall have demonstrated an interest in the field of services for [the mentally disabled] individuals with mental disabilities; four members shall represent the voluntary sector, each to be chosen from a county-wide

voluntary agency serving consumers in the areas of mental health, [mental retardation,] intellectual/developmental disability, [alcoholism] and/or [substance abuse] addiction. One member shall be a certified social worker. Five members shall be consumers of mental hygiene services and shall represent the community interest [in light of the problems of the mentally disabled, the mentally retarded, the developmental disability and those suffering from alcoholism and substance abuse] regarding individuals with mental disabilities, intellectual/developmental disabilities, and/or addiction. The [Chairman] Chair of the Board of Legislators shall appoint a person who shall act as a liaison between the Board of Legislators and the Community Services Board.

2. The Community Services Board shall have separate sub[-]committees for mental health, [mental retardation and] intellectual/developmental disabilities, and addiction (i.e., alcoholism and substance abuse). [However, at the discretion of the board, the subcommittees on alcoholism and substance abuse may be one committee.] Each separate sub[-]committee shall have no more than nine members appointed by the Commissioner of Mental Hygiene and approved by the County Board of Legislators. Three members of each such subcommittee shall be members of the board and five members shall be appointed ~~[[[one each from the five area mental hygiene councils]]]~~ to each subcommittee. Each separate subcommittee shall be composed of persons who have demonstrated an interest in the field of services for the particular class of [mentally disabled] individuals with mental disabilities and shall include former patients, parents, or relatives of such [mentally disabled persons] individuals with mental disabilities and community agencies serving the particular class of [the mentally disabled] individuals with mental disabilities. Each separate subcommittee shall advise the Community Services Board and the Commissioner of Community Mental Health regarding the exercise of all policy making functions vested in

such board or commissioner, as such functions pertain to the field of services for the particular class of [mentally disabled] individuals with mental disabilities represented by such subcommittee.

**Section 4.** Subsection “5” of Section 156.41 of Chapter 156 of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 156.41. - Powers and duties of the Community Services Board.**

The Community Services Board shall have the powers and duties: . . .

5. To recommend such action as may be necessary or desirable with respect to the relationship between the department and nongovernmental agencies for the treatment of mental illness, [mental retardation,] intellectual/developmental disabilities, [alcoholism,] and [substance abuse] addiction;

**Section 5.** Subsection “2” and Subparagraph “a” of Subsection “6” of Section 156.61 of Chapter 156 of the Laws of Westchester County are hereby amended to read as follows:

**Sec. 156.61. - Area mental hygiene councils established.**

...

2. Each of the [four] categorical areas of mental health, [mental retardation and] intellectual/developmental disabilities, [alcoholism] and [substance abuse] addiction shall have representation on each area council.

...

6. The duties and responsibilities of the area mental health councils include the following:

a. To advise the commissioner of existing and prospective needs of the county and local communities thereof for services for the prevention and treatment of mental illness; [alcoholism; substance abuse; mental retardation and] intellectual/developmental disabilities; and addiction.

**Section 6.** Section 261.121 of Chapter 261, Article III, of the Laws of Westchester County is hereby amended to read as follows:

**Sec. 261.121. - Powers and obligations of the Commissioner of Community Mental Health.**

The commissioner's qualifications shall meet the standards fixed by the State Commissioner of Mental Hygiene, and the commissioner shall have the powers and duties of the Department of Community Mental Health and those powers conferred or imposed upon the Community [Mental Health, Mental Retardation, Alcoholism and Substance Abuse] Services Board, and the Director of a Community [Mental Health, Mental Retardation, Alcoholism and Substance Abuse] Services Board by the Mental Hygiene Law or any other applicable law. Except as otherwise provided by law, such powers and duties shall include, but shall not be limited to:

1. Determining the needs of [the mentally ill, mentally retarded, developmentally disabled, and those persons afflicted with alcoholism and substance abuse] individuals with mental illness, intellectual/developmental disabilities, and/or addiction in the county, which determination shall include the review and evaluation of all mental hygiene and [substance abuse] addiction services and facilities within the Commissioner's jurisdiction;

2. Engaging in short-range, intermediate-range, and long-range mental hygiene[,] [alcoholism] and [substance abuse] addiction planning which reflects the entire array of the county mental hygiene needs and mental hygiene resources, and [alcoholism and substance abuse] addiction needs and [alcoholism and substance abuse] addiction resources; to effect such planning the Commissioner shall have assembled and analyzed all proper relevant data from all providers of services;
3. Developing in conjunction with the Community Services Board and submitting to the County Executive and the County Board of Legislators a program for the delivery of services for [the mentally ill, mentally retarded,] individuals with mental illness, intellectual/developmental [disabled] disabilities, and/or [for those persons afflicted with alcoholism and substance abuse] addiction, including construction and operation of facilities;
4. Arranging, with the approval of the County Executive for the rendition of the services and operation of facilities by other agencies of the county;
5. Within the amounts appropriated therefor and with the approval of the Board of Acquisition and Contract, entering into contracts for the rendition [of] or operation of services and facilities on a per capita basis or otherwise;
6. Within the amounts appropriated therefor, executing such programs and maintaining such facilities as may be authorized under such appropriations;
7. It is in the public interest to have as much of the service delivery system in the voluntary sector as is possible and practical. Only where the voluntary sector

cannot provide a needed service should consideration be given to provision in the public sector;

8. Implementing and administering a countywide planning process for the delivery of services for [the mentally ill, mentally retarded, developmentally disabled and for those persons afflicted with alcoholism and substance abuse] individuals with mental illness, intellectual/developmental disabilities, and/or addiction; and designing and incorporating within the planning process, consistent with applicable law, standards and procedures for community participation at the county and local community level;
9. Encouraging the development and expansion of programs for the prevention, diagnosis, care, treatment, social and vocational rehabilitation, special education, and training [of the mentally ill, mentally retarded, developmentally disabled and for those persons afflicted with alcoholism and substance abuse] for individuals with mental illness, intellectual/developmental disabilities, and/or addiction, and for public education on mental disability and [substance abuse] addiction;
10. Establishing coordination and cooperation among all providers of services, coordinating the department's program with the program of the State Department of Mental Hygiene so that there is a continuity of care among all providers of services; and seeking to cooperate by mutual agreement with the State Department of Mental Hygiene and its representatives in preadmission screening and in posthospital care of [persons suffering from] individuals with mental illness, [mental retardation,] intellectual/developmental [disability] disabilities, [alcoholism] and/or [substance abuse] addiction;

11. Making policy and planning for, monitoring, evaluating, and exercising general supervision over all services and facilities for [the mentally ill, mentally retarded, developmental disability, alcohol and substance abusers] individuals with mental illness, intellectual/developmental disabilities, and/or addiction within the commissioner's jurisdiction; and exercising general supervisory authority, through the promulgation of appropriate standards consistent with accepted professional practices, over the care and treatment of patients within such services and facilities;
12. To the extent necessary to carry out the provisions of this chapter, the Mental Hygiene Law and other applicable laws and when not inconsistent with any other law, arranging for the visitation, inspection and investigation of all providers of services, by the department or otherwise;
13. Conducting or contracting for such research and studies as may be useful for the discharge of the commissioner's duties and for the promotion of mental health, and the prevention of mental illness, [mental retardation,] intellectual/developmental disability, [alcoholism] and [substance abuse] addiction;
14. Submitting all materials required by the Mental Hygiene Law for purposes of state reimbursement.

**Section 7.** No existing right or remedy of any character will be lost, impaired, or affected by reason of this Local Law.

**Section 8.** This Local Law shall take effect immediately.