

1     **2006 FALL CONFERENCE**  
2     **Standing Committee on Public Health & Mental Health**  
3     **Resolution #03**

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5             **RESOLUTION CALLING FOR AN AMENDMENT TO STATE LAW TO**  
6             **RELIEVE COUNTIES OF THE COST OF SERVICES FOR COURT-ORDERED**  
7             **PATIENTS AT STATE-OPERATED MENTAL HYGIENE FACILITIES**

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9             **WHEREAS**, the non-federal public costs for care and treatment of mentally ill  
10            persons and of persons with developmental disabilities provided in state-operated mental  
11            hygiene facilities have historically been a 100% state expense and not a county charge;  
12            and

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14            **WHEREAS**, Subsection 43.03(c) of the Mental Hygiene Law, in an unjustifiable  
15            exception to such historical practice, provides for a county charge for most persons  
16            receiving services at state-operated mental hygiene facilities pursuant to orders of the  
17            criminal and family court; and

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19            **WHEREAS**, individual counties have no way to forecast or accurately budget for  
20            the number, extent and fiscal impact of individual court orders for specific patients which  
21            result in services, care and treatment provided in state-operated psychiatric centers  
22            operated by the Office of Mental Health and state-operated developmental centers  
23            operated by the Office of Mental Retardation and Developmental Disabilities (OMRDD);  
24            and

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26            **WHEREAS**, individual counties are often disproportionately and haphazardly  
27            fiscally impacted by such court orders, which orders are influenced by such incidental  
28            factors as where state-operated facilities are located or where a court ordering services  
29            for a particular patient who will require years of extended care is located:

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31            **NOW, THEREFORE, BE IT RESOLVED**, that the New York State  
32            Association of Counties (NYSAC) calls for an amendment to Subsection 43.03(c) of the  
33            Mental Hygiene Law related to the costs for services for court ordered patients at state-  
34            operated mental hygiene facilities by removing county charges after the first thirty days  
35            of care for any patient; and

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37            **BE IT FUTHER RESOLVED**, that the New York State Association of Counties  
38            shall forward copies of this Resolution to the Governor, the New York State Legislature  
39            and all others deemed necessary and proper.