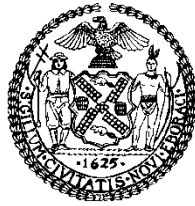


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THE COUNCIL

COMMITTEE REPORT OF THE HUMAN SERVICES AND GOVERNMENTAL AFFAIRS DIVISIONS

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COMMITTEE ON MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, ALCOHOLISM, DRUG ABUSE AND DISABILITY SERVICES

Hon. Andrew Cohen, Chair

COMMITTEE ON PUBLIC SAFETY

Hon. Vanessa L. Gibson, Chair

April 25, 2014

INT. NO. 284:

By Council Members Wills, Cohen, Palma, Arroyo,
Chin, Dickens, Koo, Rose, Vallone, Gentile and
Gibson

TITLE:

To amend the administrative code of the city of New
York, in relation to amending the silver alert program
to include missing persons with developmental
disabilities

ADMINISTRATIVE CODE:

Amends subdivisions b and c of section 10-801,
section 10-802, and subdivision c of section 10-803.

INT. NO. 286:

By Council Members Wills, Vallone, Cohen, Gibson, Cumbo, Arroyo, Cabrera, Chin, Koo and Rose

TITLE:

To amend the administrative code of the city of New York, in relation to the creation of a special registry for persons with special medical needs.

ADMINISTRATIVE CODE:

Amends Title 10 by adding a new chapter 9.

RES. NO. 151:

By Council Members Wills, Cornegy, Jr., Torres, Vallone, Barron, Chin, Constantinides, Gentile, Levine, Mendez, Rosenthal and Gibson

SUBJECT:

Resolution calling on the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.

RES. NO. 174:

By Council Members Wills, Cohen, Gibson, Cumbo, Arroyo, Chin, Rose, Gentile and Cornegy

SUBJECT:

Resolution calling upon the New York State Office for People with Developmental Disabilities to include the use of GPS tracking devices as a covered service available under the People First Waiver.

INTRODUCTION

On April 25, 2014, the Committee on Mental Health, Developmental Disabilities, Alcoholism, Drug Abuse and Disability Services, chaired by Council Member Andrew Cohen, and the Committee on Public Safety, chaired by Council Member Vanessa L. Gibson, will hold a joint hearing on a legislative package of bills and resolutions relating to the protection of individuals with special medical needs. The legislative package to be discussed includes: Int. No. 284, “A Local Law to amend the administrative code of the city of New York, in relation to amending the silver alert program to include missing persons with developmental disabilities”; Int. No. 286, “A Local Law to amend the administrative code of the city of New York, in relation to the creation of voluntary registry for persons with special medical needs”; Res. No. 151, “Resolution calling upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism”; and Res. No. 174, “Resolution calling upon the New York State Office for People with Developmental Disabilities to include the use of GPS tracking devices as a covered service available under the People First Waiver.”

BACKGROUND

In October, 2013 Avonte Oquendo, a nonverbal 14-year old boy, went missing from his school in Queens.¹ He had previously been diagnosed with Autism Spectrum Disorder, and had shown a tendency to wander away from safe environments.² Despite wide-spread efforts to locate him, his remains were found in January, 2014.³

¹ Erin Fuchs, *The Tragic Death of Avonte Oquendo: How A School Lost a Vulnerable, Autistic Teenager*, Business Insider, Jan. 21, 2014, <http://www.businessinsider.com/the-tragedy-of-avonte-oquendo-2014-1> (last visited 4/21/14).

² *Id.*

³ *Id.*

Autism Spectrum Disorder (ASD) is characterized by persistent deficits in social communication and social interaction and restricted repetitive patterns of behavior, interests, or activities.⁴ A study by the Center for Disease Control and Prevention found that 1 in 68 children are diagnosed with ASD.⁵ One unfortunate aspect of ASD is that such children often run away from safe, supervised places – an act known as “elopement.”⁶ A recent study found that nearly half of all children with ASD will wander or run away at least once.⁷ The study found that while children without ASD also have been known to run away, the percentage is much lower.

In response to the tragic loss of Avonte Oquendo, and the high rates of children with ASD wandering away, there have been calls for new methods to help locate missing children with ASD. Such methods could include GPS tracking, law enforcement tracking, or greater community outreach when a child with ASD goes missing.

INT. NO. 284

Section one of Int. No. 284 would amend subdivisions b and c of section 10-801 of the Administrative Code of the City of New York (the Administrative Code). Subdivision b would be amended to define “silver alert” as the communication to the public by a city agency of identifying information concerning a vulnerable person who is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm. Currently the law does not refer to a vulnerable person, but rather to a senior person. Subdivision c would be amended to define “vulnerable person” as a person who is sixty-five years of age or older with dementia, as a result of Alzheimer’s disease or of a similar

⁴ National Institute of Mental Health, Autism Spectrum Disorder, <http://www.nimh.nih.gov/health/topics/autism-spectrum-disorders-asd/index.shtml> (last visited 4/21/14).

⁵ *Id.*

⁶ Autism Speaks.org, *Study Confirms: Autism Wandering Common & Scary*, Oct. 8, 2012, <http://www.autismspeaks.org/science/science-news/study-confirms-autism-wandering-common-scary> (last visited 4/21/14).

⁷ *Id.*

condition, or a person of any age with a developmental disability. Currently subdivision c defines a “senior person” and does not include people of any age with a developmental disability.

Section two of Int. No. 284 would amend section 10-802 of the Administrative Code to specify that the administering agency shall establish a silver alert system that will provide rapid notification to the public when a vulnerable person is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. Currently the law does not refer to a vulnerable person, but rather to a senior person.

Section three of Int. No. 284 would amend subdivision c of section 10-803 of the Administrative Code to require that the administering agency issue a silver alert within twenty-four hours of the determination that a vulnerable person has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The silver alert may be issued by any appropriate means, including, but not limited to, email notifications, text messages, telephone calls, television broadcasts or radio broadcasts. The silver alert may be issued at repeated intervals within the discretion of the administering agency until such missing person is found or until the administering agency determines that the issuance of a silver alert is no longer appropriate. Currently the law does not refer to a vulnerable person, but rather to a senior person.

Section four of this legislation would provide that this local law take effect immediately.

INT. NO. 286

Section one of Int. No. 286 would amend title 10 of the Administrative Code by adding a new chapter nine entitled “Voluntary Special Medical Needs Registry.” New section 10-901 would define terms used in new chapter 9. Subdivision a of new section 10-901 would define

“agent” to mean (1) a parent of a person with special medical needs; (2) a legally appointed guardian or custodian of a person with special medical needs; or (3) any person granted authority to act as attorney-in-fact for a person with special medical needs under a power of attorney that grants power over benefits from governmental programs under New York State General Obligations Law §5-1502J or power over all other matters as set forth in New York State General Obligations Law §5-1502N. Subdivision b of new section 10-901 would define “commissioner” to mean the police commissioner of the city of New York or his or her designee. Subdivision c would define “department” to mean the police department of the city of New York. Subdivision d would define “GPS tracking device” as a device that communicates with global positioning satellites to determine an individual’s physical location and transmits such location to a remote server. Subdivision e would define “registrants” to mean a person with special medical needs, as defined by section 10-901, who has voluntarily registered, personally or through an agent, to be included on the department’s special medical needs registry. Subdivision f would define “special medical needs” as an autism spectrum disorder, Alzheimer’s disease or other dementia, or any other medically diagnosed illness that either (i) renders a person unable to communicate or unable to recognize familiar faces or places; or (ii) causes a person to be prone to wandering or elopement.

New section 10-902 of new chapter 9 would require that within sixty days of the enactment of this law, the department shall create and maintain a voluntary registry of persons with special medical needs who reside within the city of New York. The registry shall include at a minimum, the name, address, telephone number, medical condition, and physical features of each registrant, as well as the contact information for all agents or registrants and any other persons designated as an emergency contact for a registrant. In addition, the registry shall include

a unique access code or any other type of information necessary to access the GPS tracking device being worn by the registrant in the event that such registrant is reported missing.

New section 10-903 would state that to be included on the department's special medical needs registry, a person with special medical needs must personally, or through his or her agent, provide the department with all necessary information, as prescribed by the commissioner. Once enrolled, all registrants will receive a department approved GPS tracking device, which is to be worn by the registrant so that the department is able to locate such registrant should such registrant be reported missing in a manner to be prescribed by the commissioner pursuant to this chapter. The department shall only track the location of registrants in the event that such registrant has been reported missing to the department by an agent of the registrant or any other persons designated as an emergency contact for a registrant, including school administrators or camp employees if such person has been designated as an emergency contact.

New section 10-904 would state that in the event that a registrant is reported missing, the department may, as appropriate and necessary, share information contained in the registry established pursuant to this chapter with other city agencies, including, but not limited to, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene, the department of education, and the department of transportation.

New section 10-905 would state that within one hundred and twenty days of the enactment of this law, the commissioner shall make and promulgate rules and regulations necessary for the proper implementation of this chapter. The rules and regulation shall include, but not be limited to: (a) the form and manner in which a person with special medical needs, either personally or through his agent, can voluntarily register to be a part of the department's special medication needs registry; (b) the medical information needed by the department to

confirm the existence of a special medical needs, as defined in this chapter; (c) the identifying, medical, and other information to be collected by the department at the time of registration in order to assist the department and medical services providers in the event that the registrant is reported missing; (d) the manner in which the department shall monitor GPS tracking devices; (e) the protocols to be followed for tracking registrants, such as the manner in which a registrant must be reported missing; (f) a description of the efforts the department shall undertake to educate and inform the residents of the City of New York that such registry is available; and (g) guidelines to ensure a registrant's identifying information remains private to the greatest extent possible.

Section two of this legislation would provide that this local law take effect sixty days after its enactment into law.

RES. NO. 151

Res. No. 151 would note that autism is one of a group of neurodevelopmental disorders, known as autism spectrum disorders that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors. The Resolution would also state that approximately 30,000 children and teenagers in New York have been identified as having autism. Res. No. 151 would explain that nearly half of children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that wander go missing.

The Resolution would state that in October 2013, Avonte Oquendo, a 14 year-old autistic teenager who had a tendency to wander from safe environments, went missing from his school in

Queens. The Resolution would also note that despite a citywide effort to locate Avonte, the search ended tragically with discovery of his remains in January 2014.

Res. No. 151 would explain that the United States Department of Justice operates the Missing Alzheimer's Disease Patient Assistance Program, which provides funds for projects that aid in the protection and location of missing seniors with Alzheimer's. The Resolution would note that the Missing Alzheimer's Disease Patient Assistance Program funds local projects that develop outreach programs to increase awareness regarding the needs of missing persons with Alzheimer's, implement processes for aiding in the location of lost persons with Alzheimer's, and provide training to local law enforcement agencies.

The Resolution would note that seniors with Alzheimer's tend to wander and go missing, similar to those with autism, and are at a serious risk of injury or death if they are not located quickly. Res. No. 151 would also explain that establishing a program for children with autism modeled upon the Missing Alzheimer's Disease Patient Assistance Program could benefit thousands of families with autistic children in New York City.

Res. No. 151 would state that there is an urgent need to increase awareness regarding missing persons with autism and to develop systems for ensuring the timely location of children with autism that go missing. The Resolution would explain that federal funding for such programs could help to prevent future tragedies like the death of Avonte Oquendo. Finally, Res. No. 151 would call upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.

RES. NO. 174

Res. No. 174 would note that in January 2014, the search for Avonte Uquendo, a 14 year-old autistic teenager who went missing from his school in Queens three months earlier, ended tragically with the recovery of his remains. The Resolution would also explain that as a result of his autism, Avonte Oquendo was a non-verbal teenage who had a tendency to wander from safe environments.

The Resolution would note that autism is one of a group of neurodevelopmental disorders, known as autism spectrum disorders that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors. The Resolution would also state that nearly half of all children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that wander go missing. Res. No. 174 would explain that wearable devices that utilize global positions systems (GPS) can track children with autism and ensure that they are quickly located if they go missing.

The Resolution would note that New York State, in collaboration with the federal government, offers Medicaid waivers to children with disabilities so that they can receive certain services that help them stay with their families and in their community. The Resolution would also explain that some Medicaid waivers provide for the coverage of assistive technology, a category of services that allow an individual to use adaptive devices to help maintain or increase their ability to remain with and be a part of the community.

Res. No. 174 would state that the New York State Office for People with Developmental Disabilities is currently developing a new waiver, called the People First Waiver, which will serve individuals with developmental disabilities, such as autism. The Resolution would explain that making GPS tracking devices available through the People First Waiver would provide comfort to parents of autistic children and help ensure the safe return of autistic children that

may go missing. Finally, Res. No. 151 would call upon the New York State Office for People with Developmental Disabilities to include the use of GPS tracking devices as a covered service available under the People First Waiver.

Int. No. 284

By Council Members Wills, Cohen, Palma, Arroyo, Chin, Dickens, Koo, Rose, Vallone, Gentile and Gibson

A Local Law to amend the administrative code of the city of New York, in relation to amending the silver alert program to include missing persons with developmental disabilities.

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 10-801 of the administrative code of the city of New York is amended to read as follows:

b. “Silver alert” shall mean the communication to the public by a city agency of identifying information concerning a vulnerable [senior] person who is reported missing to a law enforcement agency under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

c. “Vulnerable [senior] person” shall mean a person who is sixty-five years of age or older with dementia, as a result of Alzheimer’s disease or a similar condition, or a person of any age with a developmental disability.

§ 2. Section 10-802 of the administrative code of the city of New York is amended to read as follows:

§ 10-802 Silver alert system. The administering agency shall establish a silver alert system, pursuant to the provisions of this chapter of the code, that will provide rapid notification to the public when a vulnerable [senior] person is reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death.

§ 3. Subdivision c of section 10-803 of the administrative code of the city of New York is amended to read as follows:

c. The administering agency shall issue a silver alert within twenty-four hours of the determination that a vulnerable [senior] person has been reported missing under circumstances indicating that the person is in imminent danger of serious bodily harm or death. The silver alert may be issued by any appropriate means, including, but not limited to, email notifications, text messages, telephone calls, television broadcasts or radio broadcasts. The silver alert may be issued at repeated intervals within the discretion of the administering agency until such missing person is found or until the administering agency determines that the issuance of a silver alert is no longer appropriate.

§ 4. This local law shall take effect immediately.

KET
4/4/14 2:10PM
LS 1267/2014

By Council Members Wills, Vallone, Cohen, Gibson, Cumbo, Arroyo, Cabrera, Chin, Koo and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of voluntary registry for persons with special medical needs.

Be it enacted by the Council as follows:

Section 1. Title 10 of the administrative code of the city of New York is amended to add a new chapter 9, to read as follows:

Chapter 9

Voluntary Special Medical Needs Registry

§10-901 Definitions.

§10-902 Voluntary Registry.

§10-903 Registration Requirements.

§10-904 Disclosure of Information.

§10-905 Rules.

§10-901 Definitions. For the purposes of this chapter the following terms shall have the following meanings:

a. "Agent" shall mean: (1) a parent of a person with special medical needs; (2) a legally appointed guardian or custodian of a person with special medical needs; or (3) any person granted authority to act as attorney-in-fact for a person with special medical needs under a power of attorney that grants power over benefits from governmental programs under New York State General Obligations Law §5-1502J or power over all other matters as set forth in New York State General Obligations Law §5-1502N;

b. "Commissioner" shall mean the police commissioner of the city of New York or his or her designee;

c. "Department" shall mean the police department of the city of New York;

d. “GPS tracking device” shall mean a device that communicates with global positioning satellites to determine an individual’s physical location and transmits such location to a remote server.

e. “Registrant” shall mean a person with special medical needs, as defined by this section, who has voluntarily registered, personally or through an agent, to be included on the department’s special medical needs registry;

f. “Special medical needs” shall mean autism spectrum disorder, alzheimer’s disease or other dementia, or any other medically diagnosed illness that either (i) renders a person unable to communicate or unable to recognize familiar faces or places; or (ii) causes a person to be prone to wandering or elopement.

§10-902 Voluntary Registry. Within sixty days of the enactment of this law, the department shall create and maintain a voluntary registry of persons with special medical needs who reside within the city of New York. The registry shall include, at a minimum, the name, address, telephone number, medical condition, and physical features of each registrant, as well as the contact information for all agents of registrants and any other persons designated as an emergency contact for a registrant. In addition, the registry shall include a unique access code or any other type of information necessary to access the GPS tracking device being worn by the registrant in the event that such registrant is reported missing.

§10-903 Registration Requirements. To be included on the department’s special medical needs registry, a person with special medical needs must personally, or through his or her agent, provide the department with all necessary information, as prescribed by the commissioner. Once enrolled, all registrants will receive a department approved GPS tracking device, which is to be worn by the registrant so that the department is able to locate such registrant should such registrant be reported missing in a manner to be prescribed by the

commissioner pursuant to this chapter. The department shall only track the location of registrants in the event that such registrant has been reported missing to the department by an agent of the registrant or any other persons designated as an emergency contact for a registrant, including school administrators or camp employees if such person has been designated as an emergency contact.

§10-904 Disclosure of Information. In the event that a registrant is reported missing, the department may, as appropriate and necessary, share information contained in the registry established pursuant to this chapter with other city agencies, including, but not limited to, the fire department, the office of emergency management, the human resources administration, the department for the aging, the department of health and mental hygiene, the department of education, and the department of transportation.

§10-905 Rules. Within one hundred and twenty days of the enactment of this law, the commissioner shall make and promulgate rules and regulations necessary for the proper implementation of this chapter. The rules and regulations shall include, but not be limited to:

a. The form and manner in which a person with special medical needs, either personally or through his or her agent, can voluntarily register to be a part of the department's special medical needs registry;

b. The medical information needed by the department to confirm the existence of a special medical need, as defined in this chapter;

c. The identifying, medical, and other information to be collected by the department at the time of registration in order to assist the department and medical services providers in the event that the registrant is reported missing;

d. The manner in which the department shall monitor GPS tracking devices;

e. The protocols to be followed for tracking registrants, such as the manner in which a

registrant must be reported missing;

f. A description of the efforts the department shall undertake to educate and inform the residents of the City of New York that such registry is available; and

g. Guidelines to ensure that a registrant's identifying information remains private to the greatest extent possible.

§2. This law shall take effect sixty days after its enactment into law.

CJG
LS 484
4.7.14

Res. No. 151

Resolution calling upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.

By Council Members Wills, Cornegy, Torres, Vallone, Barron, Chin, Constantinides, Gentile, Levine, Mendez, Rosenthal and Gibson

Whereas, Autism is one of a group of neurodevelopmental disorders, known as autism spectrum disorders, that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors; and

Whereas, Approximately 30,000 children and teenagers in New York have been identified as having autism; and

Whereas, Nearly half of children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that wander go missing; and

Whereas, In October 2013, Avonte Oquendo, a 14 year-old autistic teenager who had tendency to wander from safe environments, went missing from his school in Queens; and

Whereas, Despite a Citywide effort to locate Avonte, the search ended tragically with the discovery of his remains in January 2014; and

Whereas, The United States Department of Justice operates the Missing Alzheimer's Disease Patient Assistance Program, which provides funds for projects that aid in the protection and location of missing seniors with Alzheimer's; and

Whereas, The Missing Alzheimer's Disease Patient Assistance Program funds local projects that develop outreach programs to increase awareness regarding the needs of missing persons with Alzheimer's, implement processes for aiding in the location of lost persons with Alzheimer's, and provide training to local law enforcement agencies; and

Whereas, Seniors with Alzheimer's tend to wander and go missing, similar to those with autism, and are at a serious risk of injury or death if they are not located quickly; and

Whereas, Establishing a program for children with autism modeled upon the Missing Alzheimer's Disease Patient Assistance Program could benefit thousands of families with autistic children in New York City; and

Whereas, There is an urgent need to increase awareness regarding missing persons with autism and to develop systems for ensuring the timely location of children with autism that go missing; and

Whereas, Federal funding for such programs could help to prevent future tragedies like the death of Avonte Oquendo; now, therefore, be it

Resolved, That the Council of the City of New York calls upon upon the United States Department of Justice to fund projects that aid in the protection and location of missing persons with autism.

KET
3/19/14 12:00PM
LS 486/2014

Res. No. 174

Resolution calling upon the New York State Office for People with Developmental Disabilities to include the use of GPS tracking devices as a covered service available under the People First Waiver.

By Council Members Wills, Cohen, Gibson, Cumbo, Arroyo, Chin, Rose, Gentile and Cornegy

Whereas, In January 2014, the search for Avonte Oquendo, a 14 year-old autistic teenager who went missing from his school in Queens three months earlier, ended tragically with the recovery of his remains; and

Whereas, As a result of his autism, Avonte Oquendo was non-verbal teenager who had tendency to wander from safe environments; and

Whereas, Autism is one of a group of neurodevelopmental disorders, known as autism spectrum disorders, that are characterized by social impairments, difficulties with verbal and nonverbal communication, and repetitive behaviors; and

Whereas, According to the United States Centers for Disease Control and Prevention, approximately one in 88 American children have an autism spectrum disorder; and

Whereas, Nearly half of children with an autism spectrum disorder attempt to wander or bolt from supervised areas, and more than half of those that wander go missing; and

Whereas, Wearable devices that utilize global positioning systems (GPS) can track children with autism and ensure they are quickly located if they go missing; and

Whereas, New York State, in collaboration with the federal government, offers Medicaid waivers to children with disabilities so that they can receive certain services that help them stay with their families and in their community; and

Whereas, Some Medicaid waivers provide for the coverage of assistive technology, a category of services that allow an individual to use adaptive devices to help maintain or increase their ability to remain with and be a part of the community; and

Whereas, The New York State Office for People with Developmental Disability is currently developing a new waiver, called the People First Waiver, that will serve individuals with developmental disabilities, such as autism; and

Whereas, Making GPS tracking devices available through the People First Waiver would provide comfort to parents of autistic children and help ensure the safe return of autistic children that may go missing; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Office for People with Developmental Disabilities to include the use of GPS tracking devices as a covered service available under the People First Waiver.

KET
3/13/14 5:38PM
LS 544/2014