



Legislation Text

File #: Res 0861-2007, **Version:** *

Res. No. 861

Resolution calling upon the New York State Legislature to pass Assembly bill 04699 and Senate bill 2487, which would amend the Mental Hygiene Law in relation to applications for substance abuse facilities in New York City.

By Council Members Gennaro and James

Whereas, The New York State Office of Alcoholism and Substance Abuse Services (OASAS) is the designated State agency responsible for the coordination of state-federal relations in the area of addiction services; and

Whereas, In addition to planning, developing and regulating the State's system of chemical dependence and gambling treatment agencies, OASAS licenses, funds and supervises community-based chemical dependence treatment programs and inspects and monitors the programs to guarantee quality of care and compliance with State and national standards; and

Whereas, OASAS has adopted a comprehensive, Statewide plan and detailed regulatory scheme for the issuance of licenses or certificates of approval for substance abuse treatment facilities; and

Whereas, A prospective provider of chemical dependence services is required to obtain prior approval of the Commissioner of OASAS before establishing, incorporating or constructing a facility; and

Whereas, OASAS' statutory authority for the establishment, incorporation and certification of providers of chemical dependence services is derived from State Mental Hygiene Law Sections 19.07, 19.09 and 19.40; and

Whereas, According to the New York Code, Rules and Regulations (NYCRR), the procedure and mechanism for the approval of an application for substance abuse facilities' includes notifying the local

government unit in order to enable it to make recommendations and if necessary participate in an administrative appeal; and

Whereas, In New York City, the local governmental unit authorized to provide recommendations and participate in the certification process is the Department of Health and Mental Hygiene (DOHMH); and

Whereas, In assessing the area of the proposed site location, it is in the immediate community's best interest to ensure the suitability and adequacy of the location and avoid the possible overconcentration of facilities in a certain community or substantial alteration of a certain area; and

Whereas, Currently, State Law does not require OASAS to include community approval or disapproval in the process of determining site locations for substance abuse facilities, and therefore there is no vehicle to provide for local community input or recommendations with respect to applications for such facilities; and

Whereas, Assembly bill 04699 and Senate bill 2487, introduced in the New York State Legislature, would amend the Mental Hygiene Law by requiring the community review and recommendation of certain applications for substance abuse facilities in New York City; and

Whereas, In particular, the proposed legislation would provide community boards with the opportunity to review and recommend approval or disapproval of applications to the Commissioner of OASAS with respect to establishing, modifying or relocating substance abuse facilities; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to pass Assembly bill 04699 and Senate bill 2487, which would amend the Mental Hygiene Law in relation to applications for substance abuse facilities in New York City.

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