

Warren County Board of Supervisors

RESOLUTION NO. 147 OF 2020

RESOLUTION INTRODUCED BY SUPERVISORS STROUGH AND DRISCOLL

RESOLUTION CALLING ON MEMBERS OF THE NEW YORK STATE SENATE AND ASSEMBLY TO REJECT THE GOVERNOR'S SFY 2020-21 EXECUTIVE BUDGET PROPOSAL TO SHIFT 100% OF THE COST OF 730.20 COMPETENCY RESTORATION SERVICES TO COUNTIES

WHEREAS, the Governor's proposal would require counties to pay 100% of the Office of Mental Health (OMH) State Operations costs for certain individuals receiving mental health treatment at State-operated Forensic Psychiatric Centers, and

WHEREAS, historically, counties have paid 50% of the per diem rate set by OMH, which has reached an unsustainable cost burden on county budgets, and

WHEREAS, the derivation of Section 43.03 of Mental Hygiene Law (MHL) dates back to 1907 and allows the State to offset the costs of operating its Forensic Psychiatric Centers at county expense, and

WHEREAS, this statute no longer reflects the current mental hygiene system or the New York State Unified Court System and needs to be updated to be consistent with other statutes that make the State responsible for its own costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers, and

WHEREAS, despite the fact that counties are now paying half of such restoration services, the Executive Budget proposal shifts 100% of these costs to the counties, and

WHEREAS, OMH has also taken the position that the County Mental Health Commissioners are not entitled to any information about the treatment they are paying for, and

WHEREAS, other payors for medical services are clearly entitled both under HIPAA and the MHL to receive information about the services for which payment is sought, and

WHEREAS, OMH also indicates counties should be responsible for any medical or hospitalization costs incurred for individuals mandated to competency restoration which, depending on the medical or

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surgical treatment required could cost hundreds of thousands of dollars and have devastating impacts on county budgets, and

WHEREAS, in New York State the counties through county tax levy already bear an overwhelming portion of the financial burden for supporting individuals suffering from serious mental illness and assuming 100% in 730.20 competency restoration costs will take away millions of dollars for critical behavioral health programming in the community, and

WHEREAS, counties are requesting members of the New York State Senate and Assembly reject the Governor's proposal to shift 100% of the cost of 730.20 competency restoration services to the County Mental Health Commissioners in the SFY 2020-21 Enacted State Budget, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors calls on the Governor and the Office of Mental Health to strongly reconsider the enactment of this proposal which will cripple county budgets and have a devastating impact on the counties' ability to pay for behavioral health programs that are critical for serving the State's most vulnerable populations, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, directed to forward certified copies of this resolution to Governor Andrew Cuomo, Senator Elizabeth O'C. Little, Assemblyman Daniel G. Stec and to the New York State Association of Counties, as well as to any others deemed necessary and appropriate.