

RESOLUTION #51-24P

**CALLING ON GOVERNOR KATHY HOCHUL TO
RESTORE THE STATE-COUNTY SHARE OF
THE COST OF 730.20 COMPETENCY
RESTORATION SERVICES AND MAKE
REFORMS TO THE PROGRAM BY ENACTING
S.1874 (BROUK) / A.5063 (GUNTHER)**

The Health & Human Services Committee offered the following, and moved its adoption:

WHEREAS, the SFY 2020-21 budget required counties to pay 100 percent of the Office of Mental Health (OMH) State Operations costs for individuals receiving court-ordered mental health competency restoration services at State-operated Forensic Psychiatric Centers; and

WHEREAS, historically, counties paid 50 percent of the per diem rate set by OMH, which has now 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 makes the State responsible for its costs for the treatment of mentally ill individuals in State-operated Forensic Psychiatric Centers; and

WHEREAS, OMH has also taken the position that the county mental health commissioners are to receive limited information on the clients ordered to restoration; and

WHEREAS, as the full payors of these services, the commissioners must have timely access to any pertinent client information as deemed necessary to effectively manage their responsibilities under the mental hygiene law.

NOW, THEREFORE, BE IT RESOLVED, the Chenango County Board of Supervisors calls on the State to restore the historic 50/50 state/county share of mental health competency restoration services and enact permanent reforms by enacting S.1874 (Brouk) / A.5063 (Gunther); and

BE IT FURTHER RESOLVED, counties must be allowed to participate in the restoration and planning process for an individual's restorative care during the duration of their stay at an OMH facility; and

BE IT FURTHER RESOLVED, there must be a statutory timeframe and determination as to when an individual is unable to be restored through forensic services (CPL § 730.50); and

BE IT FURTHER RESOLVED, that the Criminal Procedure Law (CPL) § 730.10 be modified to make clear that restoration is not mental health treatment so the judiciary is better informed that a 730 order does not treat underlying mental health needs; and

BE IT FURTHER RESOLVED, CPL § 730.20 must be reformed to establish specific criteria for 730 examiners, streamlining the process to establish equity across the system, and that the psychiatrist or psychologist conducting the psychiatric exam tells the court whether or not there is a reasonable chance

of restoration, thereby granting the court an opportunity to allow diversion to mental health treatment; and

BE IT FURTHER RESOLVED, the Chenango County Board of Supervisors calls on the state to ensure county directors of community services have timely access to any patient clinical information necessary to effectively manage the county directors of community services' responsibilities under mental hygiene law; and

BE IT FURTHER RESOLVED, copies of this resolution be sent to the other counties of New York encouraging member counties to enact similar resolutions; and

BE IT FURTHER RESOLVED, the Clerk of the Board shall forward copies of this resolution to Governor Kathy Hochul, Senator Peter Oberacker, Senator Joseph Griffo, Assemblyman Joseph Angelino, Assemblyman Jeff Gallahan and the New York State Legislature encouraging them to support these reforms.

Seconded by Supervisor Wansor.

Results of a roll call vote on the Preferred Agenda were: Yes – 1438, No – 0, Absent – 289.

Absent: Supervisor Nabinger, Supervisor Wyckoff, and Supervisor Jeffrey.

Chairman Blanchard declared the Preferred Agenda Resolutions duly adopted.

State of New York)
County of Chenango)

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Board of Supervisors of Chenango County on the 11th day of March, 2024 and of the whole thereof.

Dated, Norwich, N.Y.

August 5, 2024



Clerk of the Board