



THE GERIATRIC MENTAL HEALTH ALLIANCE OF NEW YORK
50 Broadway, 19th Floor, New York, NY 10004 212-614-5753 center@mhaofnyc.org
www.mhaofnyc.org/gmhany

The Behavioral Health and Long-term Care Act

Preamble

Approximately half of older adults receiving, or in need of, long-term care in New York State have diagnosable behavioral disorders such as depression, anxiety disorders, psychotic conditions, or substance use problems. These conditions may or may not co-occur with dementia, most commonly Alzheimer's disease. The long-term care services that they receive include: home health services, in-home case management, social adult or adult medical day programs, and/or residential care in senior housing, assisted living, life care communities, or nursing homes. Often they need residential services because their family caregivers or other in-home caregivers do not have the skills and do not get the support that they need to deal with mental illness, with misuse of substances such as alcohol and prescription medication, or with troublesome behaviors.

Unfortunately, most mental health programs lack the capacity to address the complex physical health problems of their older clients and as a result many of these individuals shift into nursing homes, adult homes, and adult medical day programs as they become more frail. These long-term care programs most often do not have adequate skills in the treatment of mental disorders. As a result, frequently there is excessive use of psychotropic medications instead of psychosocial interventions in order to cope with behaviors they are not prepared to deal with effectively.

Family caregivers are at high risk for depression, anxiety, and/or physical disorders, which lead to an inability to continue to tolerate the stress of caregiving. Family caregivers of minority populations are especially vulnerable because the strong sense of duty to care for family members that is common in these cultures leads them to neglect their own needs, which are exacerbated by the long-term stress of caregiving. Research has demonstrated that family support that includes the provision of mental health services and education to navigate the geriatric and behavioral health care needs of their family members can help caregivers to continue to provide long-term care and delay placement in nursing homes.

New York State has adopted a long-term care reform agenda that focuses heavily on reducing the use of nursing homes by providing community-based alternatives to institutions. However, the state's long-term care reform initiatives have not addressed the fact that community services for older adults with behavioral disorders and their family members are inadequate. As a result, New York State is missing opportunities to help people to avoid institutional placements and to live in the community, where they and their families usually would prefer for them to live.

The Legislature, therefore, finds that it is critical for New York State to understand and address the behavioral health needs of people who are receiving long-term care. To this end it enacts “The Behavioral Health and Long-Term Care Act of 2010.”

Section 1: Behavioral Health and Long-term Care Study

- The Commission on the Quality of Care, the Department of Health, the Office for the Aging, the Office of Alcohol and Substance Abuse Services, and the Office of Mental Health shall jointly conduct the completion of a study on behavioral health and long-term care in New York State. The study shall be led by the Division of Long-term Care in the Department of Health. The study will determine:
 1. The number of people with diagnosable mental illness and/or substance use problems other than, or in addition to, dementia who are in long-term care
 2. The movement of people with long-term psychiatric disabilities from the mental health system into the long-term care system
 3. The availability and quality of health services in mental health and substance abuse programs
 4. The availability and quality of mental health services in long-term care including an assessment of the use of psychotropic medications in long-term care
 5. The availability of alternatives to nursing homes for older adults with co-occurring long-term psychiatric and physical disabilities
 6. Model programs for integrated care and treatment of this population in other states including community based, skilled nursing, and residential programs
 7. Barriers to the development of model programs integrating care and treatment for this population in the least restrictive setting
- The study shall be completed within one year of the effective date of this legislation.
- A report of the findings of the study shall be submitted to the Governor and the Legislature and shall be disseminated to the Interagency Geriatric Mental Health and Chemical Dependency Planning Council, the Most Integrated Setting Coordinating Council (MISCC), the NYS Office for the Aging Long-term Care Council, and the general public.

Section 2: Behavioral Health and Long-term Care Plan

- The Department of Health, the Office for the Aging, the Office of Alcohol and Substance Abuse Services, and the Office of Mental Health shall jointly develop a plan based on the findings of the study on behavioral health and long-term care.
- The plan shall include expansion of mental health and/or substance abuse services and supports, including supports for family caregivers that would help people who need long-term care to live in the community including rather than in institutions such as adult homes, nursing homes, or state psychiatric inpatient units.
- The plan shall also include recommendations on regulatory and legislative changes needed to overcome barriers to quality service.

- The plan shall include specific actions to be taken, numbers of people to be served, measurable milestones, and a timetable for achieving these milestones.
- The planning process shall provide an opportunity for input by the Interagency Geriatric Mental Health and Chemical Dependency Planning Council, the Most Integrated Setting Coordinating Council (MISCC), and the NYS Office for the Aging Long-term Care Council.
- The plan shall be submitted within two years of the effective date of this legislation.
- The Office of Mental Health and the Office of Alcohol and Substance Abuse Services shall integrate the plan into their 5.07 plan.
- The plan shall be made public.