

A.2297 (Clark) – In Assembly People with Disabilities Committee

S.1866 (Brouk) – On January 31, 2023 Senate Mental Health Committee Agenda

January 30, 2023

TO: Members, New York State Senate Mental Health Committee

This bill would amend the Mental Hygiene Law to add fetal alcohol spectrum disorders (FASDs), including fetal alcohol syndrome, partial fetal alcohol syndrome, and alcohol-related neurodevelopmental disorder, to the definition of “developmental disability” in statute. This legislation would ensure individuals with this disorder are authorized to receive state funded services and aid through agencies such as Office for People with Developmental Disabilities. **The Healthcare Association of New York State (HANYS) supports this legislation and urges its passage by the legislature.**

A National Institutes of Health study has found that a significant number of the children have FASDs, with conservative rates ranging from 1 to 5 percent in community samples. Children and adults with FASD struggle with life-long learning and behavioral problems. Without appropriate supports, individuals with FASD are at high risk for additional conditions or difficulties, such as mental health problems, trouble with the law, school disruption, and substance abuse. An early diagnosis and appropriate services can help prevent these secondary problems.

Currently, FASD is not considered a developmental disability under New York State law. As a result, individuals with FASD are prevented from receiving OPWDD-licensed services, such as family services (i.e. in-home behavioral supports), recreation and socialization services (specialized recreational camps), and employment assistance (i.e. job training and coaches). OPWDD services also include assistive technology, such as electronic communication device that allows individuals with varying communication abilities to be able to connect with other individuals. Many individuals with FASD also need extra support to learn the skills needed to live independently. For children, OPWDD can provide supports that can help them live at home more safely.

For the reasons cited above, HANYS supports the passage and enactment of this legislation.

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