



Office of Mental Health

Director of Community Services (DCS) Review and Determination of AOT Non-Renewal Guidance

New York State Mental Hygiene Law 9.60 (k) and 9.48 (c) both illustrate the responsibility of the “appropriate director” of the county where the AOT currently resides to determine whether an additional period of AOT is warranted and to document the determination with the AOT Program Coordinator at the corresponding field office where the county is located. The New York State Office of Mental Health (OMH) has updated the reporting process to improve data accuracy and efficiency of submissions. The new electronic reporting form can be found here: [Assisted Outpatient Treatment \(ny.gov\)](#) under the tab titled “AOT Data Submission”. As of September 1st, 2024, all counties will be required to submit “DCS Determination of Non-Renewal” through the new AOT Data submission portal.

When considering whether the statutory AOT criteria continues to be met, it is important to remember that renewal petitions do not require the same detail regarding hospitalizations or acts of violence and that those specific criteria do not need to be met in order to petition for additional periods of AOT. Specifically, the time frames included in paragraph four of subdivision (C) of NYS MHL 9.60 shall not be applicable per paragraph two of subdivision (k) of NYS MHL 9.60.

Rationale for Non-Renewal

There are several instances which would not require the need for the DCS or his/her designee to make the decision to allow an AOT order to expire. These instances would include an order that was vacated prior to the expiration/end date of the order in question or if a person with an active AOT order passes away during the pendency of that order. In both cases, the DCS does not need to indicate rationale as the order is no longer “active” in either case.

When deciding whether or not to renew and why, please consider that the rationale associated with “A- No longer meets one or more of the following criteria: (check all that apply)” is intended to indicate that an individual’s condition has improved such that they are likely to voluntarily participate with services. Alternatively, answer “B- Individual may meet criteria for renewal, but no renewal will be requested due to one of the following reasons: (check only one)” indicates that the individual may still meet other parts of AOT criteria, but circumstances are preventing the continued delivery of services.

Note, under the “B” reasons, you may also choose “The recipient will receive services under voluntary/enhanced service agreement, post AOT order-expiration”, which indicates that the individual has continued to struggle under AOT, but we will use an alternative intervention.

Additionally, the use of “Other” under “B- Individual may meet criteria for renewal, but no renewal will be requested due to one of the following reasons:” should ONLY be used when an alternative answer cannot be found. There is no need to communicate future intent to petition on this section. If an individual was either in the hospital or in jail/prison at time of the determination, then the responsible filer would check off either one of those two options as applicable.

Since the DCS or his/her designee can petition for an additional period of AOT, not to exceed one year, up to 30 days prior to the expiration of the current order and in doing so “stays” the order if the disposition cannot be reached, there should not be cases where the DCS/AOT designee intends to renew and cannot procedurally do so.