

1113

2017-2018 Regular Sessions

I N S E N A T E

January 6, 2017

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law and the executive law, in relation to requiring legislative approval for the closure of certain office of mental health, office of people with developmental disabilities or office of children and family services facilities and institutions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision (e) of section 7.17 of the mental hygiene law,
2 as amended by chapter 723 of the laws of 1993, paragraph 1 as amended by
3 chapter 170 of the laws of 1994, paragraph 3 as amended by chapter 83 of
4 the laws of 1995, is amended to read as follows:

5 (e) In the event that the plan for state and local mental health
6 services, developed in accordance with subdivision (b) of this section,
7 determines that significant service reductions are anticipated for a
8 particular state-operated hospital or its catchment area, or a state-op-
9 erated research institute, the commissioner shall take the following
10 actions[, provided nothing in this subdivision shall create a basis for
11 enjoining any otherwise lawful service reductions]:

12 1. SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST THREE HUNDRED
13 SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE IS SEEKING CLOSURE OF ANY
14 FACILITY OR INSTITUTION. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE
15 PROPOSED CLOSURE. THE LEGISLATURE MAY REQUIRE ANY ADDITIONAL INFORMATION
16 OR DATA THAT IT DEEMS NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR
17 THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED
18 TO IT BY THE OFFICE, FINDS THAT THE PROPOSED CLOSURE IS NOT JUSTIFIED
19 THEN CLOSURE SHALL NOT OCCUR UNTIL APPROVED BY A MAJORITY VOTE OF EACH
20 HOUSE OF THE LEGISLATURE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD03800-01-7

1 2. confer with the department of civil service, the governor's office
2 of employee relations and any other state agency to develop strategies
3 which attempt to minimize the impact on the state workforce by providing
4 assistance in obtaining state employment in state-operated community-
5 based services or other employment opportunities, and to develop strate-
6 gies for the development of necessary retraining and redeployment
7 programs. In planning such strategies, the commissioner shall provide
8 for the participation of the representatives of the employee labor
9 organizations and for the participation of managerial and confidential
10 employees to ensure continuity of employment;

11 [2.] 3. consult with the department of economic development and any
12 other appropriate state agencies to develop strategies which attempt to
13 minimize the impact of such significant service reductions on the local
14 and regional economies;

15 [3.] 4. provide for a mechanism which may reasonably be expected to
16 provide notice to local governments, community organizations, employee
17 labor organizations, managerial and confidential employees, consumer and
18 advocacy groups of the potential for significant service reductions at
19 such state-operated hospitals and state-operated research institutes at
20 least twelve months prior to commencing such service reduction,
21 provided, however, that this requirement shall be deemed satisfied with
22 respect to reductions at Central Islip Psychiatric Center, Gowanda
23 Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychi-
24 atric Center, Willard Psychiatric Center and Manhattan Children's
25 Psychiatric Center; and

26 [4.] 5. consult with the office of general services and any other
27 appropriate state agency in developing a mechanism for determining
28 alternative uses for land and buildings to be vacated by the office of
29 mental health. Such a mechanism should include a review of other
30 programs or state agencies that could feasibly expand their operations
31 onto a state-operated hospital campus and are compatible with health,
32 safety and programmatic needs of patients served in such facilities.

33 S 2. The mental hygiene law is amended by adding a new section 13.18
34 to read as follows:

35 S 13.18 CLOSURE OF FACILITIES.

36 THE COMMISSIONER SHALL SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT
37 LEAST THREE HUNDRED SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE IS
38 SEEKING CLOSURE OF ANY FACILITY OR INSTITUTION. SUCH REPORT SHALL
39 INCLUDE JUSTIFICATION FOR THE PROPOSED CLOSURE. THE LEGISLATURE MAY
40 REQUIRE ANY ADDITIONAL INFORMATION OR DATA THAT IT DEEMS NECESSARY IN
41 SUCH REPORT. IF THE LEGISLATURE, OR THE APPROPRIATE COMMITTEES THEREOF,
42 UPON REVIEW OF THE REPORT SUBMITTED TO IT BY THE OFFICE, FINDS THAT THE
43 PROPOSED CLOSURE IS NOT JUSTIFIED THEN CLOSURE SHALL NOT OCCUR UNTIL
44 APPROVED BY A MAJORITY VOTE OF EACH HOUSE OF THE LEGISLATURE.

45 S 3. Subdivision 15 of section 501 of the executive law, as amended by
46 section 1 of part H of chapter 58 of the laws of 2006, is amended to
47 read as follows:

48 15. In the event that the office of children and family services
49 determines that significant service reductions, public employee staffing
50 reductions and/or the transfer of operations to a private or not-for-
51 profit entity are anticipated in the office of children and family
52 services long term planning process or for a particular facility in a
53 future year, to take the following actions:

54 (a) SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST THREE HUNDRED
55 SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE OF CHILDREN AND FAMILY
56 SERVICES IS SEEKING CLOSURE OF ANY SECURE OR LIMITED SECURE FACILITY.

1 SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE PROPOSED CLOSURE. THE
2 LEGISLATURE MAY REQUIRE ANY ADDITIONAL INFORMATION OR DATA THAT IT DEEMS
3 NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR THE APPROPRIATE COMMIT-
4 TEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED TO IT BY THE OFFICE OF
5 CHILDREN AND FAMILY SERVICES, FINDS THAT THE PROPOSED CLOSURE IS NOT
6 JUSTIFIED THEN CLOSURE SHALL NOT OCCUR UNTIL APPROVED BY A MAJORITY VOTE
7 OF EACH HOUSE OF THE LEGISLATURE.

8 (B) confer with the department of civil service, the governor's office
9 of employee relations and any other state agency to develop strategies
10 which attempt to minimize the impact on the state workforce by providing
11 assistance in obtaining state employment in state-operated community-
12 based services or other employment opportunities, and to develop strate-
13 gies for the development of necessary retraining and redeployment
14 programs. In planning such strategies, the commissioner of the office of
15 children and family services shall provide for the participation of the
16 representatives of the employee labor organizations and for the partic-
17 ipation of managerial and confidential employees to ensure continuity of
18 employment;

19 [(b)] (C) consult with the department of economic development and any
20 other appropriate state agencies to develop strategies which attempt to
21 minimize the impact of such significant service reductions, public
22 employee staffing reductions and/or the transfer of operations to a
23 private or not-for-profit entity on the local and regional economies;

24 [(c)] (D) provide for a mechanism which may reasonably be expected to
25 provide notice to local governments, community organizations, employee
26 labor organizations, managerial and confidential employees, consumer and
27 advocacy groups of the potential for significant service reductions,
28 public employee staffing reductions and/or the transfer of operations to
29 a private or not-for-profit entity at such state-operated facilities, at
30 least twelve months prior to commencing such service reduction; and

31 [(d)] (E) consult with the office of general services and any other
32 appropriate state agency in developing a mechanism for determining
33 alternative uses for land and buildings to be vacated by the office of
34 children and family services. Such a mechanism should include a review
35 of other programs or state agencies that could feasibly expand their
36 operations onto a state-operated campus and are compatible with health,
37 safety and programmatic needs of persons served in such facilities.

38 S 4. Severability. If any clause, sentence, paragraph, section or part
39 of this act shall be adjudged by any court of competent jurisdiction to
40 be invalid, such judgment shall not affect, impair or invalidate the
41 remainder thereof, but shall be confined in its operation to the clause,
42 sentence, paragraph, section or part thereof directly involved in the
43 controversy in which such judgment shall have been rendered.

44 S 5. This act shall take effect on the thirtieth day after it shall
45 have become a law. Effective immediately, the addition, amendment and/or
46 repeal of any rule or regulation necessary for the implementation of
47 this act on its effective date are authorized to be made and completed
48 on or before such effective date.