

STATE OF NEW YORK

5440

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

AN ACT to amend the mental hygiene law, in relation to establishing a council for treatment equity within the office of alcoholism and substance abuse

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The mental hygiene law is amended by adding a new section
2 19.45 to read as follows:

3 § 19.45 The council for treatment equity.

4 1. Definitions. As used in this section:

5 (a) "Council" shall mean the council for treatment equity created
6 pursuant to this section which shall consist of a full time director and
7 any additional full or part time staff the commissioner deems necessary
8 to effectuate the provisions of this section.

9 (b) "Treatment equity advisory board" shall mean the advisory board to
10 the council, created pursuant to subdivision three of this section.

11 (c) "Vulnerable populations" shall mean those who have experienced
12 injustices and disadvantages as a result of their race, ethnicity, sexu-
13 al orientation, gender identity, disability status, age, socioeconomic
14 status and/or any other status which has caused a person to experience
15 injustices and disadvantages.

16 (d) "Racially and ethnically diverse areas" shall mean counties where
17 the non-white population is forty percent or more or the service area of
18 an agency, corporation, facility or individual providing substance use
19 disorder services where the non-white population of said area is forty
20 percent or more.

21 (e) "Provider of services" shall mean any agency, corporation, facili-
22 ty or individual providing substance use disorder services to vulnerable
23 populations.

24 (f) "Treatment disparities" shall mean measurable differences in
25 access to and quality of substance use disorder services as determined

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

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1 by race, ethnicity, sexual orientation, gender identity, disability
2 status, age and socioeconomic status.

3 (g) "Treatment equity" shall mean achieving the highest level of
4 substance use disorder services for all people and shall entail focused
5 efforts to address avoidable inequalities by equalizing those conditions
6 for substance use disorder services for those that have experienced
7 injustices and socioeconomic disadvantages.

8 2. The council for treatment equity. There is hereby created a council
9 for treatment equity. The council, in conjunction with the treatment
10 equity advisory board, shall have the following powers and duties:

11 (a) Work collaboratively with the office, other relevant state agen-
12 cies and affected stakeholders, including, but not limited to, providers
13 and representatives of vulnerable populations, in order to set priori-
14 ties to achieve treatment equity in both racial and ethnically diverse
15 areas and for vulnerable populations throughout the state;

16 (b) Analyze collected data to determine the causes of treatment
17 disparities in both racially and ethnically diverse areas and for
18 vulnerable populations throughout the state, including any economic,
19 physical, social or cultural barriers;

20 (c) Develop and implement strategies aimed at achieving treatment
21 equity in racially and ethnically diverse areas and among vulnerable
22 populations;

23 (d) Promote community involvement by conducting promotional and educa-
24 tional outreach programs regarding substance use disorders and available
25 services; and

26 (e) Review the impact of current laws, rules, regulations, policies
27 and programs that may be affecting the ability to achieve treatment
28 equity.

29 3. The treatment equity advisory board. (a) The treatment equity advi-
30 sory board shall consist of twelve members. All members shall be
31 appointed by the governor, with three members appointed upon recommenda-
32 tion from the temporary president of the senate and three members
33 appointed upon recommendation from the speaker of the assembly. The
34 chairperson of the council shall be the commissioner or their designee.

35 (b) The members of the council shall be from the community with exper-
36 tise in conducting substance use disorder services. In making such
37 appointments, due consideration shall be given to ensuring adequate
38 geographic representation.

39 (c) The term of office for each member of the treatment equity advi-
40 sory board shall be six years. Vacancies in the treatment equity advi-
41 sory board, other than by expiration of a term, shall be filled for the
42 remainder of the unexpired term in the same manner as original appoint-
43 ments.

44 (d) The members of the treatment equity advisory board shall receive
45 no compensation for their services, but shall be reimbursed for all
46 expenses actually and necessarily incurred by them in the performance of
47 their duties under this section within the amount made available by
48 appropriation therefor.

49 4. Report. The council shall submit a written report to the governor,
50 the temporary president of the senate and the speaker of the assembly no
51 later than one year succeeding the effective date of this section and
52 annually thereafter, setting forth the findings, recommendations and
53 activities of the council on matters within the scope of its powers and
54 duties as set forth in this section.

55 § 2. This act shall take effect immediately.