

S T A T E O F N E W Y O R K

7647--A

2009-2010 Regular Sessions

I N A S S E M B L Y

April 17, 2009

Introduced by M. of A. P. RIVERA, JAFFEE, LUPARDO, SCHROEDER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the training of boards of directors or trustees of certain voluntary not-for-profit facilities or corporations

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

1 Section 1. Section 7.09 of the mental hygiene law is amended by
2 adding a new subdivision (k) to read as follows:
3 (K) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
4 THAT BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE
5 LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE
6 EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
7 PUBLIC HEALTH LAW, SHALL ADOPT POLICIES AND GUIDELINES WITH REGARD TO
8 OPERATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE
9 HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY
10 OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.
11 S 2. The section heading and subdivision (a) of section 7.39 of the
12 mental hygiene law, as added by chapter 800 of the laws of 1986, are
13 amended and a new subdivision (a-1) is added to read as follows:
14 Registration, TRAINING and notification of boards of directors or
15 trustees of certain voluntary not-for-profit facilities or corporations.
16 (a) Notwithstanding any other law, rule or regulation, the executive
17 director, chairperson or president of a voluntary, not-for-profit corpo-
18 ration or facility which is subject to the jurisdiction of the office
19 [of mental health] shall furnish annually to the commissioner a list of
20 the names and addresses of the current members of the board of directors
21 or trustees of such facility or corporation TOGETHER WITH THE LAST DATE

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

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1 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
2 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
3 PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAIN-
4 ING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE
5 CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF
6 THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list [shall]
7 OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR
8 TRUSTEES MAY remove such facility or corporation from consideration for
9 recertification.

10 (A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST,
11 TWO THOUSAND ELEVEN MINIMUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE
12 BOARD OF DIRECTORS OR TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPO-
13 RATION OR FACILITY WHICH IS SUBJECT TO THE JURISDICTION OF THE OFFICE,
14 WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE
15 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. SUCH INITIAL TRAINING SHALL
16 INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY RESPONSIBILITIES OF BEING
17 A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE MEMBERS OR TRUSTEES WITH THE
18 TOOLS AND BEST PRACTICES NECESSARY TO EFFECTIVELY SERVE IN SUCH CAPACI-
19 TY.

20 S 3. The section heading and subdivision (a) of section 13.39 of the
21 mental hygiene law, as added by chapter 800 of the laws of 1986, are
22 amended and a new subdivision (a-1) is added to read as follows:

23 Registration, TRAINING and notification of boards of directors or
24 trustees of certain voluntary not-for-profit facilities or corporations.

25 (a) Notwithstanding any other law, rule or regulation, the executive
26 director, chairperson or president of a voluntary, not-for-profit corpo-
27 ration or facility which is subject to the jurisdiction of the office
28 [of mental retardation and developmental disabilities], WITH THE EXCEP-
29 TION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
30 PUBLIC HEALTH LAW, shall furnish annually to the commissioner a list of
31 the names and addresses of the current members of the board of directors
32 or trustees of such facility or corporation TOGETHER WITH THE LAST DATE
33 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
34 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
35 PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAIN-
36 ING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE
37 CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF
38 THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list [shall]
39 OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR
40 TRUSTEES MAY remove such facility or corporation from consideration for
41 recertification.

42 (A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST,
43 TWO THOUSAND ELEVEN MINIMUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE
44 BOARD OF DIRECTORS OR TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPO-
45 RATION OR FACILITY WHICH IS SUBJECT TO THE JURISDICTION OF THE OFFICE,
46 WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE
47 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. SUCH INITIAL TRAINING SHALL
48 INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY RESPONSIBILITIES OF BEING
49 A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE MEMBERS OR TRUSTEES WITH THE
50 TOOLS AND BEST PRACTICES NECESSARY TO EFFECTIVELY SERVE IN SUCH CAPACI-
51 TY.

52 S 4. Section 13.09 of the mental hygiene law is amended by adding a
53 new subdivision (g) to read as follows:

54 (G) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
55 THAT BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE
56 LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE

1 EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
2 PUBLIC HEALTH LAW, SHALL ADOPT POLICIES AND GUIDELINES WITH REGARD TO
3 OPERATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE
4 HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY
5 OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.

6 S 5. The section heading and subdivision (a) of section 32.37 of the
7 mental hygiene law, as added by chapter 558 of the laws of 1999, are
8 amended and a new subdivision (a-1) is added to read as follows:

9 Registration, TRAINING and notification of boards of directors
10 or trustees of certain voluntary not-for-profit facilities or
11 corporations.

12 (a) Notwithstanding any other law, rule, or regulation, the executive
13 director, chairperson or president of a voluntary, not-for-profit corpo-
14 ration which has been issued an operating certificate by or has received
15 funding from the office of alcoholism and substance abuse services, WITH
16 THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF
17 THE PUBLIC HEALTH LAW, shall furnish annually to the commissioner of
18 such office a list of the names and addresses of the current members of
19 the board of directors or trustees of such corporation TOGETHER WITH THE
20 LAST DATE OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAIN-
21 ING REQUIREMENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT
22 OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF
23 TRAINING REQUIREMENTS TO THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE
24 ABUSE SERVICES. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO EXEMPT
25 SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH
26 LAW. Failure to furnish [such] AN annual list OF NAMES AND ADDRESSES OF
27 CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR TRUSTEES may remove such
28 corporation from consideration for recertification or refunding.

29 (A-1) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL
30 ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND ELEVEN MINI-
31 MUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE BOARD OF DIRECTORS OR
32 TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPORATION OR FACILITY WHICH IS
33 SUBJECT TO THE JURISDICTION OF SUCH OFFICE, WITH THE EXCEPTION OF HOSPI-
34 TALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.
35 SUCH INITIAL TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCI-
36 ARY RESPONSIBILITIES OF BEING A BOARD MEMBER OR TRUSTEE AND SHALL
37 PROVIDE MEMBERS OR TRUSTEES WITH THE TOOLS AND BEST PRACTICES NECESSARY
38 TO EFFECTIVELY SERVE IN SUCH CAPACITY.

39 S 6. Section 19.09 of the mental hygiene law is amended by adding a
40 new subdivision (i) to read as follows:

41 (I) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
42 THE BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE
43 LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE
44 EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
45 PUBLIC HEALTH LAW, TO ADOPT POLICIES AND GUIDELINES WITH REGARD TO OPER-
46 ATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE
47 HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY
48 OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.

49 S 7. This act shall take effect on the ninetieth day after it shall
50 have become a law; provided, however, that effective immediately, the
51 addition, amendment and/or repeal of any rule or regulation necessary
52 for the implementation of this act on its effective date are authorized
53 and directed to be made and completed on or before such effective date.