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

7656--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, LIFTON, JAFFEE, WEISENBERG, LUPARDO, SCHROEDER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities -- committed to Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to establishing the task force on quality workers care

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

Section 1. The mental hygiene law is amended by adding a new section 33.26 to read as follows:

S 33.26 TASK FORCE ON QUALITY WORKERS CARE.

(A) THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE TASK FORCE ON QUALITY WORKERS CARE TO STUDY AND MAKE RECOMMENDATIONS REGARDING THOSE WHO ARE RECEIVING SERVICES IN PROGRAMS AND FACILITIES THAT ARE LICENSED, CERTIFIED OR OPERATED BY AN OFFICE OF THE DEPARTMENT. THE TASK FORCE ON QUALITY WORKERS CARE SHALL STUDY THE FOLLOWING:

(1) QUALIFICATIONS FOR EMPLOYMENT;

(2) EDUCATION AND TRAINING REQUIREMENTS FOR EMPLOYMENT;

(3) REQUIRED STAFFING NEEDS AT ALL STATE AND PROVIDER CARE FACILITIES;

(4) COMPENSATION BENEFIT PACKAGES AND RETENTION FOR EMPLOYEES OF SUCH FACILITIES;

(5) CONTINUING EDUCATION AND TRAINING PROGRAMS;

(6) WHISTLEBLOWER PROTECTION FOR EMPLOYEES; AND

(7) ANY OTHER SUBJECTS THAT THE TASK FORCE DEEMS APPROPRIATE.

(B) THE TASK FORCE SHALL BE COMPRISED OF THE COMMISSIONER OF MENTAL HEALTH, THE COMMISSIONER OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE COMMISSIONER OF LABOR, THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF HEALTH, THE COMMISSIONER OF EDUCATION, THE PRESIDENT OF THE STATE CIVIL SERVICE COMMISSION, A REPRESENTATIVE FROM

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

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THE COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES, TWO REPRESENTATIVES FROM PROVIDER AGENCIES, TWO MENTAL HYGIENE PATIENT ADVOCATES, TWO PARENTS OR LEGAL GUARDIANS OF PATIENTS WHO ARE RECEIVING RESIDENTIAL MENTAL HYGIENE SERVICES, AND FIVE REPRESENTATIVES TO BE APPOINTED BY THE GOVERNOR, WITH THREE OF SUCH APPOINTMENTS BEING UPON THE RECOMMENDATION OF THE LABOR ORGANIZATION THAT REPRESENTS WORKERS IN STATE AND PROVIDER CARE FACILITIES.

(C) THE COMMISSIONER OF MENTAL HEALTH OR HIS OR HER DESIGNEE SHALL BE THE CHAIR OF THE TASK FORCE.

(D) THE TASK FORCE SHALL MEET AS OFTEN AS DEEMED NECESSARY BY THE CHAIR BUT IN NO EVENT LESS THAN FOUR TIMES PER YEAR.

(E) THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO SALARY OR OTHER COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(F) BY DECEMBER FIRST, TWO THOUSAND ELEVEN, THE TASK FORCE ON QUALITY WORKERS CARE SHALL CREATE A REPORT ON ITS FINDINGS. SUCH REPORT SHALL BE SENT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.