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

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I N A S S E M B L Y

February 3, 2010

Introduced by M. of A. P. RIVERA, AUBRY, LIFTON, N. RIVERA, ESPAILLAT, LUPARDO, ROBINSON, MILLMAN, SCHROEDER, TITUS, WEISENBERG, PEOPLES-STOKES -- Multi-Sponsored by -- M. of A. ALFANO, BRENNAN, COOK, GOTTFRIED, GUNTHER, HEASTIE, LAVINE, PHEFFER, J. RIVERA -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing the division of minority mental health within the office of mental health, and providing for its powers and duties

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

Section 1. Legislative intent. The legislature hereby finds that racial and ethnic minorities in America comprise a substantial and vibrant segment of the United States population. According to the 2000 United States Census, minorities comprised the majority of the New York City population. Further, the legislature finds that nearly half of all New York City households speak a language other than English at home, and that the "enormous shortage of trained bilingual and bicultural counselors, therapists, psychiatrists and social workers, make it impossible, for many limited-English-proficient New Yorkers to obtain referrals and timely, appropriate mental health services" (New York State Assembly Standing Committee on Mental Health report, AN EVALUATION OF THE DELIVERY OF MENTAL HYGIENE SERVICES IN NEW YORK STATE, February 2005). Moreover, the legislature finds that the President's New Freedom Commission on Mental Health also found that the mental health system in the United States "has not kept pace with the diverse needs of racial and ethnic minorities. Misunderstanding and misinterpreting behaviors have led to tragic consequences, including inappropriately placing minorities in the criminal and juvenile justice systems." Consequently, the legislature finds that a division of minority mental health should be created to address the unique mental health needs of the racial and ethnic minority citizens of the state.

S 2. Short title. This act shall be known and may be cited as the "minority mental health act".

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

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S 3. The mental hygiene law is amended by adding a new article 8 to read as follows:

ARTICLE 8
DIVISION OF MINORITY MENTAL HEALTH

SECTION 8.01 DECLARATION OF POLICY.
8.03 DEFINITIONS.
8.05 DIVISION OF MINORITY MENTAL HEALTH.
8.07 SCOPE OF RESPONSIBILITIES.
8.09 MINORITY MENTAL HEALTH COUNCIL.

S 8.01 DECLARATION OF POLICY.

THE STATE OF NEW YORK AND ITS LOCAL GOVERNMENTS HAVE A RESPONSIBILITY TO CARE FOR AND TREAT ALL OF ITS CITIZENS SUFFERING FROM MENTAL DISABILITIES. TO ADDRESS THE GROWING AND SIGNIFICANT DISCONNECT BETWEEN THE MENTAL HEALTH CARE NEEDS, AND THE AVAILABILITY AND ACCESSIBILITY OF CULTURALLY AND LINGUISTICALLY COMPETENT CARE FOR ALL NEW YORKERS, A NEW DIVISION OF MINORITY MENTAL HEALTH IS CREATED. THE DIVISION SHALL FOCUS ON ASSESSING THE MENTAL HEALTH NEEDS OF RACIAL AND ETHNIC MINORITY POPULATIONS AND STRIVE TO BEST ENSURE THAT APPROPRIATE CARE IS PROVIDED TO THESE INDIVIDUALS.

S 8.03 DEFINITIONS.

AS USED IN THIS ARTICLE:

(A) "COUNCIL" MEANS THE MINORITY MENTAL HEALTH COUNCIL ESTABLISHED BY SECTION 8.09 OF THIS ARTICLE.

(B) "DIVISION" MEANS THE DIVISION OF MINORITY HEALTH ESTABLISHED BY SECTION 8.05 OF THIS ARTICLE.

S 8.05 DIVISION OF MINORITY MENTAL HEALTH.

THERE IS HEREBY ESTABLISHED, WITHIN THE OFFICE, A DIVISION OF MINORITY MENTAL HEALTH. THE DIVISION SHALL ASSIST THE OFFICE AND THE COMMISSIONER IN CARRYING OUT THEIR POWERS AND DUTIES RELATING TO THE PROVISION OF MENTAL HEALTH SERVICES TO RACIAL AND ETHNIC MINORITIES.

S 8.07 SCOPE OF RESPONSIBILITIES.

THE DIVISION SHALL:

(A) BE RESPONSIBLE FOR ASSURING THAT MENTAL HEALTH PROGRAMS AND SERVICES ARE CULTURALLY AND LINGUISTICALLY APPROPRIATE TO MEET THE NEEDS OF RACIAL AND ETHNIC MINORITIES;

(B) SERVE AS LIAISON AND ADVOCATE FOR THE OFFICE ON MINORITY MENTAL HEALTH MATTERS. THIS FUNCTION SHALL INCLUDE THE PROVISION OF STAFF SUPPORT TO THE COUNCIL AND THE ESTABLISHMENT OF APPROPRIATE PROGRAM LINKAGE WITH RELATED FEDERAL, STATE, AND LOCAL AGENCIES AND PROGRAMS;

(C) ASSIST PROFESSIONAL SCHOOLS AND STATE AGENCIES TO DEVELOP COMPREHENSIVE PROGRAMS TO IMPROVE THE SUPPLY OF MINORITY MENTAL HEALTH PERSONNEL BY PROMOTING MINORITY MENTAL HEALTH CLINICAL TRAINING AND CURRICULUM IMPROVEMENT, AND DISSEMINATING MINORITY MENTAL HEALTH CAREER INFORMATION TO HIGH SCHOOL AND COLLEGE STUDENTS; AND

(D) REVIEW THE IMPACT OF PROGRAMS, REGULATIONS AND MENTAL HEALTH CARE REIMBURSEMENT POLICIES ON MINORITY MENTAL HEALTH SERVICE DELIVERY AND ACCESS.

S 8.09 MINORITY MENTAL HEALTH COUNCIL.

(A) THERE IS HEREBY ESTABLISHED, WITHIN THE DIVISION, A MINORITY MENTAL HEALTH COUNCIL TO CONSIST OF THE COMMISSIONER AND FOURTEEN APPOINTED MEMBERS. THE COMMISSIONER SHALL SERVE AS THE CHAIR OF THE COUNCIL. THE APPOINTED MEMBERSHIP OF THE COUNCIL SHALL HAVE RELEVANT EXPERIENCE RELATED TO THE PROVISION OR RECEIPT OF MINORITY SERVICES AND SHALL BE REFLECTIVE OF THE DIVERSITY OF THE STATE'S POPULATION INCLUD-

ING, BUT NOT LIMITED TO, THE VARIOUS MINORITY POPULATIONS THROUGHOUT THE STATE. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

1. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

2. FOUR MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE;

3. FOUR MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

4. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

5. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

(B) THE APPOINTED MEMBERS OF THE COUNCIL SHALL EACH SERVE A TERM OF TWO YEARS, BUT SHALL CONTINUE TO SERVE IN OFFICE UNTIL THEIR SUCCESSORS ARE APPOINTED. ALL VACANCIES IN THE MEMBERSHIP OF THE COUNCIL SHALL BE FILLED FOR THE UNEXPIRED TERM WITHIN SIX MONTHS OF THE DATE THE VACANCY OCCURS. VACANCIES SHALL BE FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

(C) THE COUNCIL SHALL MEET AS FREQUENTLY AS ITS BUSINESS MAY REQUIRE, BUT IN NO CASE SHALL IT MEET LESS THAN FOUR TIMES DURING ANY CALENDAR YEAR.

(D) THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS ARTICLE.

(E) THE COUNCIL SHALL:

1. AT THE REQUEST OF THE COMMISSIONER, CONSIDER ANY MATTER RELATING TO THE PROVISION AND IMPROVEMENT OF MINORITY MENTAL HEALTH SERVICES; AND

2. CONDUCT A STUDY ON THE MENTAL HEALTH NEEDS OF RACIAL AND ETHNIC MINORITIES AND THE AVAILABILITY AND EFFECTIVENESS OF PROGRAMS DESIGNED TO MEET SUCH NEEDS. SUCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, AN EXAMINATION OF: RATES OF UNDERUTILIZATION OF MENTAL HEALTH SERVICES BY SPECIFIC RACIAL AND ETHNIC MINORITY GROUPS, THE REASONS CONTRIBUTING TO SUCH UNDERUTILIZATION PATTERNS, THE AVAILABILITY OF MENTAL HEALTH SERVICES SPECIFICALLY DESIGNED TO ADDRESS THE NEEDS OF IDENTIFIED RACIAL AND ETHNIC MINORITIES AND RECOMMENDATIONS FOR ADDRESSING IDENTIFIED UNMET NEEDS AND FOR IMPROVING THE AVAILABILITY OF CULTURALLY AND LINGUISTICALLY APPROPRIATE SERVICES. THE COUNCIL SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE COMMISSIONER, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIRPERSONS OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMITTEE AND THE ASSEMBLY MENTAL HEALTH COMMITTEE, WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE.

S 4. This act shall take effect on the first of April next succeeding the date on which it shall have become a law; provided that any appointments, rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.