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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:

1 Section 1. Legislative intent. The legislature hereby finds that  
2 racial and ethnic minorities in America comprise a substantial and  
3 vibrant segment of the United States population. According to the 2000  
4 United States Census, minorities comprised the majority of the New York  
5 City population. Further, the legislature finds that nearly half of all  
6 New York City households speak a language other than English at home,  
7 and that the "enormous shortage of trained bilingual and bicultural  
8 counselors, therapists, psychiatrists and social workers, make it impos-  
9 sible, for many limited-English-proficient New Yorkers to obtain refer-  
10 rals and timely, appropriate mental health services" (New York State  
11 Assembly Standing Committee on Mental Health report, AN EVALUATION OF  
12 THE DELIVERY OF MENTAL HYGIENE SERVICES IN NEW YORK STATE, February  
13 2005). Moreover, the legislature finds that the President's New Freedom  
14 Commission on Mental Health also found that the mental health system in  
15 the United States "has not kept pace with the diverse needs of racial  
16 and ethnic minorities. Misunderstanding and misinterpreting behaviors  
17 have led to tragic consequences, including inappropriately placing  
18 minorities in the criminal and juvenile justice systems." Consequently,  
19 the legislature finds that a division of minority mental health should  
20 be created to address the unique mental health needs of the racial and  
21 ethnic minority citizens of the state.

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

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

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

3 ARTICLE 8  
4 DIVISION OF MINORITY MENTAL  
5 HEALTH

- 6 SECTION 8.01 DECLARATION OF POLICY.
- 7 8.03 DEFINITIONS.
- 8 8.05 DIVISION OF MINORITY MENTAL HEALTH.
- 9 8.07 SCOPE OF RESPONSIBILITIES.
- 10 8.09 MINORITY MENTAL HEALTH COUNCIL.

11 S 8.01 DECLARATION OF POLICY.

12 THE STATE OF NEW YORK AND ITS LOCAL GOVERNMENTS HAVE A RESPONSIBILITY  
13 TO CARE FOR AND TREAT ALL OF ITS CITIZENS SUFFERING FROM MENTAL DISABIL-  
14 ITIES. TO ADDRESS THE GROWING AND SIGNIFICANT DISCONNECT BETWEEN THE  
15 MENTAL HEALTH CARE NEEDS, AND THE AVAILABILITY AND ACCESSIBILITY OF  
16 CULTURALLY AND LINGUISTICALLY COMPETENT CARE FOR ALL NEW YORKERS, A NEW  
17 DIVISION OF MINORITY MENTAL HEALTH IS CREATED. THE DIVISION SHALL FOCUS  
18 ON ASSESSING THE MENTAL HEALTH NEEDS OF RACIAL AND ETHNIC MINORITY POPU-  
19 LATIONS AND STRIVE TO BEST ENSURE THAT APPROPRIATE CARE IS PROVIDED TO  
20 THESE INDIVIDUALS.

21 S 8.03 DEFINITIONS.

22 AS USED IN THIS ARTICLE:

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

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

27 S 8.05 DIVISION OF MINORITY MENTAL HEALTH.

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

32 S 8.07 SCOPE OF RESPONSIBILITIES.

33 THE DIVISION SHALL:

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

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

41 (C) ASSIST PROFESSIONAL SCHOOLS AND STATE AGENCIES TO DEVELOP COMPRE-  
42 HENSIVE PROGRAMS TO IMPROVE THE SUPPLY OF MINORITY MENTAL HEALTH PERSON-  
43 NEL BY PROMOTING MINORITY MENTAL HEALTH CLINICAL TRAINING AND CURRICULUM  
44 IMPROVEMENT, AND DISSEMINATING MINORITY MENTAL HEALTH CAREER INFORMATION  
45 TO HIGH SCHOOL AND COLLEGE STUDENTS; AND

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

49 S 8.09 MINORITY MENTAL HEALTH COUNCIL.

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

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

3 1. FOUR MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

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

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

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

9 5. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-  
10 BLY.

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

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

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

23 (E) THE COUNCIL SHALL:

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

26 2. CONDUCT A STUDY ON THE MENTAL HEALTH NEEDS OF RACIAL AND ETHNIC  
27 MINORITIES AND THE AVAILABILITY AND EFFECTIVENESS OF PROGRAMS DESIGNED  
28 TO MEET SUCH NEEDS. SUCH STUDY SHALL INCLUDE, BUT NOT BE LIMITED TO, AN  
29 EXAMINATION OF: RATES OF UNDERUTILIZATION OF MENTAL HEALTH SERVICES BY  
30 SPECIFIC RACIAL AND ETHNIC MINORITY GROUPS, THE REASONS CONTRIBUTING TO  
31 SUCH UNDERUTILIZATION PATTERNS, THE AVAILABILITY OF MENTAL HEALTH  
32 SERVICES SPECIFICALLY DESIGNED TO ADDRESS THE NEEDS OF IDENTIFIED RACIAL  
33 AND ETHNIC MINORITIES AND RECOMMENDATIONS FOR ADDRESSING IDENTIFIED  
34 UNMET NEEDS AND FOR IMPROVING THE AVAILABILITY OF CULTURALLY AND  
35 LINGUISTICALLY APPROPRIATE SERVICES. THE COUNCIL SHALL REPORT ITS FIND-  
36 INGS AND RECOMMENDATIONS TO THE GOVERNOR, THE COMMISSIONER, THE TEMPO-  
37 RARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR-  
38 PERSONS OF THE SENATE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES  
39 COMMITTEE AND THE ASSEMBLY MENTAL HEALTH COMMITTEE, WITHIN EIGHTEEN  
40 MONTHS OF THE EFFECTIVE DATE OF THIS ARTICLE.

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