

5596

2009-2010 Regular Sessions

I N S E N A T E

May 20, 2009

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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
22 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
23 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE

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

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

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

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

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

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

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

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

52 (G) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
53 THAT BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE
54 LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE
55 EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
56 PUBLIC HEALTH LAW, SHALL ADOPT POLICIES AND GUIDELINES WITH REGARD TO

1 OPERATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE
2 HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY
3 OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.

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

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

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

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

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

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

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