

5596--A

Cal. No. 627

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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. The section heading and subdivision (a) of section 7.39 of
2 the mental hygiene law, as added by chapter 800 of the laws of 1986, are
3 amended and a new subdivision (a-1) is added to read as follows:
4 Registration, TRAINING and notification of boards of directors or
5 trustees of certain voluntary not-for-profit facilities or corporations.
6 (a) Notwithstanding any other law, rule or regulation, the executive
7 director, chairperson or president of a voluntary, not-for-profit corpo-
8 ration or facility which is subject to the jurisdiction of the office
9 [of mental health] shall furnish annually to the commissioner a list of
10 the names and addresses of the current members of the board of directors
11 or trustees of such facility or corporation TOGETHER WITH THE LAST DATE
12 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
13 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
14 PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAIN-
15 ING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE
16 CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF
17 THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list OF
18 NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR
19 TRUSTEES shall remove such facility or corporation from consideration
20 for recertification.

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

LBD10809-02-9

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

S 2. The section heading and subdivision (a) of section 13.39 of the mental hygiene law, as added by chapter 800 of the laws of 1986, are amended and a new subdivision (a-1) is added to read as follows:

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

(a) Notwithstanding any other law, rule or regulation, the executive director, chairperson or president of a voluntary, not-for-profit corporation or facility which is subject to the jurisdiction of the office [of mental retardation and developmental disabilities] shall furnish annually to the commissioner a list of the names and addresses of the current members of the board of directors or trustees of such facility or corporation TOGETHER WITH THE LAST DATE OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIREMENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAINING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR TRUSTEES shall remove such facility or corporation from consideration for recertification.

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

S 3. The section heading and subdivision (a) of section 32.37 of the mental hygiene law, as added by chapter 558 of the laws of 1999, are amended and a new subdivision (a-1) is added to read as follows:

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

(a) Notwithstanding any other law, rule, or regulation, the executive director, chairperson or president of a voluntary, not-for-profit corporation which has been issued an operating certificate by or has received funding from the office of alcoholism and substance abuse services shall furnish annually to the commissioner of such office a list of the names and addresses of the current members of the board of directors or trustees of such corporation TOGETHER WITH THE LAST DATE OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIREMENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAINING REQUIREMENTS TO THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE

1 APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH LAW. Failure to furnish
2 [such] AN annual list OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE
3 BOARD OF DIRECTORS OR TRUSTEES may remove such FACILITY OR corporation
4 from consideration for recertification or refunding.
5 (A-1) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL
6 ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TEN MINIMUM
7 TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE BOARD OF DIRECTORS OR TRUS-
8 TEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPORATION OR FACILITY WHICH IS
9 SUBJECT TO THE JURISDICTION OF SUCH OFFICE, WITH THE EXCEPTION OF HOSPI-
10 TALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.
11 SUCH TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY
12 RESPONSIBILITIES OF BEING A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE
13 MEMBERS OR TRUSTEES WITH THE TOOLS AND BEST PRACTICES NECESSARY TO
14 EFFECTIVELY SERVE IN SUCH CAPACITY.
15 S 4. This act shall take effect on the ninetieth day after it shall
16 have become a law; provided, however, that effective immediately, the
17 addition, amendment and/or repeal of any rule or regulation necessary
18 for the implementation of this act on its effective date are authorized
19 and directed to be made and completed on or before such effective date.