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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. P. RIVERA, JAFFEE, LUPARDO, SCHROEDER -- read once and referred to the Committee on Mental Health

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:

Section 1. Section 7.09 of the mental hygiene law is amended by adding a new subdivision (k) to read as follows:

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

S 2. The section heading and subdivision (a) of section 7.39 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 health] 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 TRAIN-

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

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ING 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 [shall] OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR TRUSTEES MAY remove such facility or corporation from consideration for recertification.

(A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE 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 INITIAL 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 13.39 of the mental hygiene law, the section heading as added by chapter 800 of the laws of 1986 and subdivision (a) as amended by chapter 168 of the laws of 2010, 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 [for people with developmental disabilities], WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, 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 [shall] OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR TRUSTEES MAY remove such facility or corporation from consideration for recertification.

(A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE 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 INITIAL 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 4. Section 13.09 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:

(H) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING THAT BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE

PUBLIC HEALTH LAW, SHALL ADOPT POLICIES AND GUIDELINES WITH REGARD TO OPERATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.

S 5. 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, WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW, 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 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 may remove such corporation from consideration for recertification or refunding.

(A-1) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE 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 SUCH OFFICE, WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. SUCH INITIAL 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 6. Section 19.09 of the mental hygiene law is amended by adding a new subdivision (i) to read as follows:

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

S 7. 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 are authorized and directed to be made and completed on or before such effective date.