

3720

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

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

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 ASSEM-
BLY, 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.

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

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

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

5 ARTICLE 8

6 DIVISION OF MINORITY MENTAL
7 HEALTH

8 SECTION 8.01 DECLARATION OF POLICY.

9 8.03 DEFINITIONS.

10 8.05 DIVISION OF MINORITY MENTAL HEALTH.

11 8.07 SCOPE OF RESPONSIBILITIES.

12 8.09 MINORITY MENTAL HEALTH COUNCIL.

13 S 8.01 DECLARATION OF POLICY.

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

23 S 8.03 DEFINITIONS.

24 AS USED IN THIS ARTICLE:

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

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

29 S 8.05 DIVISION OF MINORITY MENTAL HEALTH.

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

34 S 8.07 SCOPE OF RESPONSIBILITIES.

35 THE DIVISION SHALL:

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

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

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

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

51 S 8.09 MINORITY MENTAL HEALTH COUNCIL.

52 (A) THERE IS HEREBY ESTABLISHED, WITHIN THE DIVISION, A MINORITY
53 MENTAL HEALTH COUNCIL TO CONSIST OF THE COMMISSIONER AND FOURTEEN
54 APPOINTED MEMBERS. THE COMMISSIONER SHALL SERVE AS THE CHAIR OF THE
55 COUNCIL. THE APPOINTED MEMBERSHIP OF THE COUNCIL SHALL HAVE RELEVANT

1 EXPERIENCE RELATED TO THE PROVISION OR RECEIPT OF MINORITY SERVICES AND
2 SHALL BE REFLECTIVE OF THE DIVERSITY OF THE STATE'S POPULATION INCLUD-
3 ING, BUT NOT LIMITED TO, THE VARIOUS MINORITY POPULATIONS THROUGHOUT THE
4 STATE. THE MEMBERS SHALL BE APPOINTED AS FOLLOWS:

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

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

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

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

11 5. ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEM-
12 BLY.

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

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

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

25 (E) THE COUNCIL SHALL:

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

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

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