

4418

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

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

AN ACT to amend the mental hygiene law, in relation to establishing the
task force on quality workers care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,
DO ENACT AS FOLLOWS:

1 Section 1. The mental hygiene law is amended by adding a new section
2 33.26 to read as follows:
3 S 33.26 TASK FORCE ON QUALITY WORKERS CARE.
4 (A) THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT THE TASK FORCE
5 ON QUALITY WORKERS CARE TO STUDY AND MAKE RECOMMENDATIONS REGARDING
6 THOSE WHO ARE RECEIVING SERVICES IN PROGRAMS AND FACILITIES THAT ARE
7 LICENSED, CERTIFIED OR OPERATED BY AN OFFICE OF THE DEPARTMENT. THE
8 TASK FORCE ON QUALITY WORKERS CARE SHALL STUDY THE FOLLOWING:
9 (1) QUALIFICATIONS FOR EMPLOYMENT;
10 (2) EDUCATION AND TRAINING REQUIREMENTS FOR EMPLOYMENT;
11 (3) REQUIRED STAFFING NEEDS AT ALL STATE AND PROVIDER CARE FACILITIES;
12 (4) COMPENSATION BENEFIT PACKAGES AND RETENTION FOR EMPLOYEES OF SUCH
13 FACILITIES;
14 (5) CONTINUING EDUCATION AND TRAINING PROGRAMS;
15 (6) WHISTLEBLOWER PROTECTION FOR EMPLOYEES; AND
16 (7) ANY OTHER SUBJECTS THAT THE TASK FORCE DEEMS APPROPRIATE.
17 (B) THE TASK FORCE SHALL BE COMPRISED OF THE COMMISSIONER OF MENTAL
18 HEALTH, THE COMMISSIONER OF DEVELOPMENTAL DISABILITIES, THE COMMISSIONER
19 OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, THE COMMISSIONER OF LABOR,
20 THE COMMISSIONER OF CHILDREN AND FAMILY SERVICES, THE COMMISSIONER OF
21 HEALTH, THE COMMISSIONER OF EDUCATION, THE PRESIDENT OF THE STATE CIVIL
22 SERVICE COMMISSION, A REPRESENTATIVE FROM THE COMMISSION ON QUALITY OF
23 CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES, TWO REPRESENTATIVES
24 FROM PROVIDER AGENCIES, TWO MENTAL HYGIENE PATIENT ADVOCATES, TWO
25 PARENTS OR LEGAL GUARDIANS OF PATIENTS WHO ARE RECEIVING RESIDENTIAL

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

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1 MENTAL HYGIENE SERVICES, AND FIVE REPRESENTATIVES TO BE APPOINTED BY
2 THE GOVERNOR, WITH THREE OF SUCH APPOINTMENTS BEING UPON THE RECOMMENDA-
3 TION OF THE LABOR ORGANIZATION THAT REPRESENTS WORKERS IN STATE AND
4 PROVIDER CARE FACILITIES.

5 (C) THE COMMISSIONER OF MENTAL HEALTH OR HIS OR HER DESIGNEE SHALL BE
6 THE CHAIR OF THE TASK FORCE.

7 (D) THE TASK FORCE SHALL MEET AS OFTEN AS DEEMED NECESSARY BY THE
8 CHAIR BUT IN NO EVENT LESS THAN FOUR TIMES PER YEAR.

9 (E) THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO SALARY OR OTHER
10 COMPENSATION FOR THEIR SERVICES BUT SHALL BE ENTITLED TO REIMBURSEMENT
11 FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR
12 DUTIES.

13 (F) BY DECEMBER FIRST, TWO THOUSAND TWELVE, THE TASK FORCE ON QUALITY
14 WORKERS CARE SHALL CREATE A REPORT ON ITS FINDINGS. SUCH REPORT SHALL BE
15 SENT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE
16 SPEAKER OF THE ASSEMBLY.

17 S 2. This act shall take effect on the ninetieth day after it shall
18 have become a law; provided, however, that effective immediately, the
19 addition, amendment and/or repeal of any rule or regulation necessary
20 for the implementation of this act on its effective date is authorized
21 and directed to be made and completed on or before such effective date.