

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

3068--A

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- recommitted to the Committee on Alcoholism and Drug Abuse in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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
5 or trustees of certain voluntary not-for-profit facilities or
6 corporations.
7 (a) Notwithstanding any other law, rule or regulation, the executive
8 director, chairperson or president of a voluntary, not-for-profit corpo-
9 ration or facility which is subject to the jurisdiction of the office
10 [of mental health] shall furnish annually to the commissioner a list of
11 the names and addresses of the current members of the board of directors
12 or trustees of such facility or corporation TOGETHER WITH THE LAST DATE
13 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
14 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
15 PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAIN-
16 ING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE
17 CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF
18 THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list OF
19 NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR

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

LBD00426-03-1

1 TRUSTEES shall remove such facility or corporation from consideration
2 for recertification.

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

12 S 2. The section heading and subdivision (a) of section 13.39 of the
13 mental hygiene law, the section heading as added by chapter 800 of the
14 laws of 1986 and subdivision (a) as amended by chapter 168 of the laws
15 of 2010, are amended and a new subdivision (a-1) is added to read as
16 follows:

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

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

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

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

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

50 (a) Notwithstanding any other law, rule, or regulation, the executive
51 director, chairperson or president of a voluntary, not-for-profit corpo-
52 ration which has been issued an operating certificate by or has received
53 funding from the office of alcoholism and substance abuse services shall
54 furnish annually to the commissioner of such office a list of the names
55 and addresses of the current members of the board of directors or trus-
56 tees of such corporation TOGETHER WITH THE LAST DATE OF THE CURRENT

1 MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIREMENTS. HOSPI-
2 TALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW
3 SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAINING REQUIREMENTS TO
4 THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES. NOTHING IN
5 THIS SUBDIVISION SHALL BE CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE
6 APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH LAW. Failure to furnish
7 [such] AN annual list OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE
8 BOARD OF DIRECTORS OR TRUSTEES may remove such FACILITY OR corporation
9 from consideration for recertification or refunding.

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

20 S 4. This act shall take effect on the ninetieth day after it shall
21 have become a law; provided, however, that effective immediately, the
22 addition, amendment and/or repeal of any rule or regulation necessary
23 for the implementation of this act on its effective date are authorized
24 and directed to be made and completed on or before such effective date.