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

5792

2011-2012 Regular Sessions

I N S E N A T E

June 16, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to designating the ombudsman as an employee of the commission on quality of care and advocacy for persons with disabilities

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

Section 1. Subdivisions 1, 2 and 3 of section 13.34 of the mental hygiene law, as added by chapter 57 of the laws of 1987, are amended to read as follows:

1. There shall be at each developmental center facility listed in section 13.17 of this [chapter] ARTICLE, an ombudsman who shall be an employee of the [office] COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES UNDER ARTICLE FORTY-FIVE OF THIS CHAPTER and who shall be responsible for receiving and responding to any complaints regarding individual clients residing in such facility. The ombudsman shall have the following powers and duties:

i. to advise and consult with parents, guardians, correspondents and other interested persons with respect to any complaints, or issues related to the conditions of clients' residents;

ii. to review and attempt to remedy specific complaints with responsible and appropriate staff;

iii. where it appears that care has not been rendered as required by applicable standards to refer the complaint to the appropriate agency or body for its attention;

iv. to receive and keep confidential any complaint, information or inquiry from any source. The records of the ombudsman shall be confidential, and shall not be available to the public;

v. to advise and consult with the board of visitors of the developmental center served by the ombudsman with respect to any complaints or

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

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issues relating to conditions of client's residence and to regularly attend the meetings of such board; AND

VI. TO MEET WITH THE COMMISSIONER, OR A REPRESENTATIVE OF THE COMMISSIONER, ON A QUARTERLY BASIS REGARDING SYSTEMIC ISSUES IN THE OMBUDSMAN'S JURISDICTION.

2. The president of the board of visitors of each developmental center facility listed in section 13.17 of this [chapter] ARTICLE, shall, in consultation with the members of such board, recommend three persons to serve as ombudsman at the facility. In making such recommendation, the president shall also consider the expressed opinion of parents, guardians and correspondents of clients residing at such facility. The persons so recommended as ombudsman shall have expressed an active interest or shall have had professional knowledge in advocating for persons who are mentally disabled. The [commissioner] COMMISSION ON QUALITY OF CARE AND ADVOCACY FOR PERSONS WITH DISABILITIES shall select one of the recommended persons as ombudsman. The ombudsman may only be removed from office for just cause. An individual appointed as ombudsman shall be an exempt class employee as defined by section forty-one of the civil service law and may be removed by the commissioner upon the recommendation of the president of the board of visitors, for cause after notice and opportunity for a hearing on the charges.

3. The ombudsman shall be afforded initial training and orientation by the commission on quality of care [for the mentally disabled] AND ADVOCACY FOR PERSONS WITH DISABILITIES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.