

3478

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:

1 Section 1. Section 7.09 of the mental hygiene law is amended by
2 adding a new subdivision (k) to read as follows:
3 (K) THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS REQUIRING
4 THAT BOARDS OF DIRECTORS OF VOLUNTARY NOT-FOR-PROFIT AGENCIES WHICH ARE
5 LICENSED BY, FUNDED BY OR UNDER CONTRACT WITH THE OFFICE, WITH THE
6 EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
7 PUBLIC HEALTH LAW, SHALL ADOPT POLICIES AND GUIDELINES WITH REGARD TO
8 OPERATING PROCEDURES IN THE EVENT OF EMERGENCY SITUATIONS AFFECTING THE
9 HEALTH OR SAFETY OF INDIVIDUALS WITH DISABILITIES SERVED BY THE AGENCY
10 OR THE FISCAL VIABILITY OR INTEGRITY OF THE AGENCY.
11 S 2. The section heading and subdivision (a) of section 7.39 of the
12 mental hygiene law, as added by chapter 800 of the laws of 1986, are
13 amended and a new subdivision (a-1) is added to read as follows:
14 Registration, TRAINING and notification of boards of directors or
15 trustees of certain voluntary not-for-profit facilities or corporations.
16 (a) Notwithstanding any other law, rule or regulation, the executive
17 director, chairperson or president of a voluntary, not-for-profit corpo-
18 ration or facility which is subject to the jurisdiction of the office
19 [of mental health] shall furnish annually to the commissioner a list of
20 the names and addresses of the current members of the board of directors
21 or trustees of such facility or corporation TOGETHER WITH THE LAST DATE
22 OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIRE-
23 MENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE
24 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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1 ING REQUIREMENTS TO THE COMMISSIONER. NOTHING IN THIS SECTION SHALL BE
2 CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF
3 THE PUBLIC HEALTH LAW. Failure to furnish [such] AN annual list [shall]
4 OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR
5 TRUSTEES MAY remove such facility or corporation from consideration for
6 recertification.

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

17 S 3. The section heading and subdivision (a) of section 13.39 of the
18 mental hygiene law, the section heading as added by chapter 800 of the
19 laws of 1986 and subdivision (a) as amended by chapter 168 of the laws
20 of 2010, are amended and a new subdivision (a-1) is added to read as
21 follows:

22 Registration, TRAINING and notification of boards of directors or
23 trustees of certain voluntary not-for-profit facilities or corporations.

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

41 (A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST,
42 TWO THOUSAND TWELVE MINIMUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE
43 BOARD OF DIRECTORS OR TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPO-
44 RATION OR FACILITY WHICH IS SUBJECT TO THE JURISDICTION OF THE OFFICE,
45 WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE
46 TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. SUCH INITIAL TRAINING SHALL
47 INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY RESPONSIBILITIES OF BEING
48 A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE MEMBERS OR TRUSTEES WITH THE
49 TOOLS AND BEST PRACTICES NECESSARY TO EFFECTIVELY SERVE IN SUCH CAPACI-
50 TY.

51 S 4. Section 13.09 of the mental hygiene law is amended by adding a
52 new subdivision (h) to read as follows:

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

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

5 S 5. The section heading and subdivision (a) of section 32.37 of the
6 mental hygiene law, as added by chapter 558 of the laws of 1999, are
7 amended and a new subdivision (a-1) is added to read as follows:

8 Registration, TRAINING and notification of boards of directors
9 or trustees of certain voluntary not-for-profit facilities or
10 corporations.

11 (a) Notwithstanding any other law, rule, or regulation, the executive
12 director, chairperson or president of a voluntary, not-for-profit corpo-
13 ration which has been issued an operating certificate by or has received
14 funding from the office of alcoholism and substance abuse services, WITH
15 THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF
16 THE PUBLIC HEALTH LAW, shall furnish annually to the commissioner of
17 such office a list of the names and addresses of the current members of
18 the board of directors or trustees of such corporation TOGETHER WITH THE
19 LAST DATE OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAIN-
20 ING REQUIREMENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT
21 OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF
22 TRAINING REQUIREMENTS TO THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE
23 ABUSE SERVICES. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO EXEMPT
24 SUCH HOSPITALS FROM THE APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH
25 LAW. Failure to furnish [such] AN annual list OF NAMES AND ADDRESSES OF
26 CURRENT MEMBERS OF THE BOARD OF DIRECTORS OR TRUSTEES may remove such
27 corporation from consideration for recertification or refunding.

28 (A-1) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL
29 ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE MINI-
30 MUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE BOARD OF DIRECTORS OR
31 TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPORATION OR FACILITY WHICH IS
32 SUBJECT TO THE JURISDICTION OF SUCH OFFICE, WITH THE EXCEPTION OF HOSPI-
33 TALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.
34 SUCH INITIAL TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCI-
35 ARY RESPONSIBILITIES OF BEING A BOARD MEMBER OR TRUSTEE AND SHALL
36 PROVIDE MEMBERS OR TRUSTEES WITH THE TOOLS AND BEST PRACTICES NECESSARY
37 TO EFFECTIVELY SERVE IN SUCH CAPACITY.

38 S 6. Section 19.09 of the mental hygiene law is amended by adding a
39 new subdivision (i) to read as follows:

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

48 S 7. This act shall take effect on the ninetieth day after it shall
49 have become a law; provided, however, that effective immediately, the
50 addition, amendment and/or repeal of any rule or regulation necessary
51 for the implementation of this act on its effective date are authorized
52 and directed to be made and completed on or before such effective date.