

3068

2011-2012 Regular Sessions

I N   S E N A T E

February 8, 2011

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Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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  
20    TRUSTEES shall remove such facility or corporation from consideration  
21    for recertification.  
22    (A-1) THE OFFICE SHALL ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST,  
23    TWO THOUSAND TWELVE MINIMUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE

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

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BOARD OF DIRECTORS OR TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPORATION OR FACILITY WHICH IS SUBJECT TO THE JURISDICTION OF THE OFFICE, WITH THE EXCEPTION OF HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. SUCH TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY RESPONSIBILITIES OF BEING A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE MEMBERS OR TRUSTEES WITH THE TOOLS AND BEST PRACTICES NECESSARY TO EFFECTIVELY SERVE IN SUCH CAPACITY.

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

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

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

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

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

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

(a) Notwithstanding any other law, rule, or regulation, the executive director, chairperson or president of a voluntary, not-for-profit corporation which has been issued an operating certificate by or has received funding from the office of alcoholism and substance abuse services shall furnish annually to the commissioner of such office a list of the names and addresses of the current members of the board of directors or trustees of such corporation TOGETHER WITH THE LAST DATE OF THE CURRENT MEMBERS' OR TRUSTEES' COMPLETION OF THE TRAINING REQUIREMENTS. HOSPITALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW SHALL NOT BE REQUIRED TO FURNISH COMPLETION OF TRAINING REQUIREMENTS TO THE COMMISSIONER OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES. NOTHING IN

1 THIS SUBDIVISION SHALL BE CONSTRUED TO EXEMPT SUCH HOSPITALS FROM THE  
2 APPLICABLE REQUIREMENTS OF THE PUBLIC HEALTH LAW. Failure to furnish  
3 [such] AN annual list OF NAMES AND ADDRESSES OF CURRENT MEMBERS OF THE  
4 BOARD OF DIRECTORS OR TRUSTEES may remove such FACILITY OR corporation  
5 from consideration for recertification or refunding.  
6 (A-1) THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES SHALL  
7 ESTABLISH NO LATER THAN OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE MINI-  
8 MUM TRAINING REQUIREMENTS FOR ALL MEMBERS OF THE BOARD OF DIRECTORS OR  
9 TRUSTEES OF A VOLUNTARY, NOT-FOR-PROFIT CORPORATION OR FACILITY WHICH IS  
10 SUBJECT TO THE JURISDICTION OF SUCH OFFICE, WITH THE EXCEPTION OF HOSPI-  
11 TALS OPERATED PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW.  
12 SUCH TRAINING SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FIDUCIARY  
13 RESPONSIBILITIES OF BEING A BOARD MEMBER OR TRUSTEE AND SHALL PROVIDE  
14 MEMBERS OR TRUSTEES WITH THE TOOLS AND BEST PRACTICES NECESSARY TO  
15 EFFECTIVELY SERVE IN SUCH CAPACITY.  
16 S 4. This act shall take effect on the ninetieth day after it shall  
17 have become a law; provided, however, that effective immediately, the  
18 addition, amendment and/or repeal of any rule or regulation necessary  
19 for the implementation of this act on its effective date are authorized  
20 and directed to be made and completed on or before such effective date.