

S T A T E   O F   N E W   Y O R K

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3068--A

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 -- 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.