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

5741

2013-2014 Regular Sessions

I N S E N A T E

June 11, 2013

Introduced by Sens. ADAMS, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the Brooklyn health trust

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

Section 1. The public health law is amended by adding a new article 8-A to read as follows:

ARTICLE 8-A

BROOKLYN HEALTH TRUST

SECTION 810. SHORT TITLE.
811. DEFINITIONS.
812. BROOKLYN HEALTH TRUST.
813. PURPOSE OF THE TRUST.
814. FUNDING.
815. REPORTS.
816. ASSISTANCE OF OTHER AGENCIES.
817. MEMBERS NOT TO PROFIT.
818. BROOKLYN HEALTH COMMISSION.

S 810. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "BROOKLYN HEALTH TRUST ACT".

S 811. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "TRUST" SHALL MEAN THE TRUST CREATED BY SECTION EIGHT HUNDRED TWELVE OF THIS ARTICLE.

2. "BOARD" SHALL MEAN THE BOARD OF THE TRUST CREATED BY SECTION EIGHT HUNDRED TWELVE OF THIS ARTICLE.

S 812. BROOKLYN HEALTH TRUST. 1. A TRUST TO BE KNOWN AS THE "BROOKLYN HEALTH TRUST" IS HEREBY CREATED UNDER THE JURISDICTION OF THE DEPARTMENT AND ITS EXISTENCE SHALL COMMENCE WITH THE APPOINTMENT OF THE MEMBERS OF THE BOARD AS PROVIDED IN THIS ARTICLE.

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

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2. THE BOROUGH PRESIDENT OF THE BOROUGH OF BROOKLYN SHALL SERVE EX OFFICIO AND AS CHAIR OF THE BOARD AND SHALL APPOINT MEMBERS OF THE BOARD AS FOLLOWS: THREE MEMBERS WHO ARE RESIDENT MEDICAL PROFESSIONALS FROM THE COUNTY OF KINGS, ONE MEMBER FROM A MEDICAL SCHOOL, TWO MEMBERS FROM RESIDENT BUSINESSES IN THE COUNTY OF KINGS, TWO MEMBERS FROM RESIDENT NOT-FOR-PROFIT ORGANIZATIONS IN THE COUNTY OF KINGS AND TWO MEMBERS WHO REPRESENT THE COMMUNITY FROM THE COUNTY OF KINGS. MEMBERS OF THE BOARD SHALL BE APPOINTED TO THE BOARD BASED ON THEIR KNOWLEDGE AND BACKGROUND AS RELEVANT TO THE PURPOSES OF THE TRUST, OR THEIR EXPERIENCE AND KNOWLEDGE IN THE FIELD OF AMBULATORY HEALTH CARE. THE MAYOR OF THE CITY OF NEW YORK SHALL APPOINT FIVE MEMBERS FROM AMONG THE GENERAL HOSPITALS IN THE COUNTY OF KINGS BASED ON THEIR KNOWLEDGE AND BACKGROUND AS RELEVANT TO THE PURPOSES OF THE TRUST, OR THEIR EXPERIENCE AND KNOWLEDGE IN THE FIELD OF AMBULATORY HEALTH CARE.

3. ONE-THIRD OF THE MEMBERS OF THE BOARD SHALL BE INITIALLY APPOINTED FOR A TERM OF ONE YEAR, ONE-THIRD OF THE MEMBERS OF THE BOARD SHALL BE INITIALLY APPOINTED FOR A TERM OF TWO YEARS, AND ONE-THIRD OF THE MEMBERS OF THE BOARD SHALL BE INITIALLY APPOINTED FOR A TERM OF THREE YEARS. MEMBERS MAY BE REAPPOINTED AND MAY SERVE TWO CONSECUTIVE FULL TERMS, IN ADDITION TO THE TERMS OF THEIR ORIGINAL APPOINTMENTS, BUT NOT MORE THAN NINE CONSECUTIVE YEARS. EACH MEMBER SHALL CONTINUE IN OFFICE UNTIL SUCH MEMBER'S SUCCESSOR HAS BEEN APPOINTED AND QUALIFIES. SUCH CONTINUATION IN OFFICE SHALL NOT BE COUNTED IN DETERMINING WHETHER A MEMBER HAS SERVED NINE CONSECUTIVE YEARS. IN THE EVENT OF A VACANCY OCCURRING IN THE OFFICE OF ANY MEMBER OF THE BOARD, OTHER THAN BY THE EXPIRATION OF A MEMBER'S TERM, SUCH VACANCY SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM, IF APPLICABLE, IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.

4. THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION, BUT SHALL BE ENTITLED TO REIMBURSEMENT OF THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES.

5. THE POWERS OF THE TRUST SHALL BE VESTED IN AND EXERCISED BY A MAJORITY OF THE MEMBERS OF THE BOARD.

S 813. PURPOSE OF THE TRUST. 1. THE PURPOSE OF THE TRUST SHALL BE TO PROVIDE AMBULATORY HEALTH CARE TO LOW AND MODERATE INCOME RESIDENTS, THE ELDERLY, FRAIL AND DISABLED PERSONS OF THE COUNTY OF KINGS. SUBJECT TO ALL NECESSARY FEDERAL APPROVALS AND THE AVAILABILITY OF FUNDS, THE TRUST SHALL CONTRACT WITH HOSPITALS IN THE COUNTY OF KINGS, ANY PUBLIC GENERAL HOSPITAL, AND/OR WITH ANY SPONSORING LOCAL GOVERNMENT OF SUCH PUBLIC GENERAL HOSPITAL, IN ORDER TO FUND THE NON-FEDERAL SHARE OF MEDICAID FUNDS. THE TRUST SHALL BE ABLE TO ACCEPT PAYMENT FROM INSURANCE CARRIERS, MEDICAID, AND MEDICARE.

2. THE TRUST SHALL BE FUNDED FROM ALL MONIES DERIVED FROM THE SALE OR CONVEYANCE OF LONG ISLAND COLLEGE HOSPITAL AS DESCRIBED IN THIS ARTICLE.

3. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE TRUST FROM RECEIVING GRANTS, GIFTS OR BEQUESTS AND DEPOSITING THEM INTO THE TRUST ACCORDING TO LAW.

4. THE TRUST SHALL HAVE THE POWER TO ADOPT AND FROM TIME TO TIME TO AMEND SUCH RULES AND REGULATIONS AND TO PRESCRIBE SUCH CONDITIONS, NOT INCONSISTENT WITH LAW, AS MAY BE NECESSARY TO MAKE AVAILABLE TO THE PEOPLE OF THE STATE THE RELIEF AND ASSISTANCE AFFORDED BY ANY ACT OF CONGRESS FOR PUBLIC HEALTH WORK IN THE STATE.

5. MONIES IN THIS TRUST SHALL ONLY BE USED FOR PURPOSES ESTABLISHED UNDER SUBDIVISION ONE OF THIS SECTION.

S 814. FUNDING. THE TRUST SHALL INITIALLY BE FUNDED IN AN AMOUNT EQUAL TO THE PROCEEDS DERIVED FROM THE SALE OF ASSETS OF LONG ISLAND

COLLEGE AND THE DOWNSTATE AT LICH HOLDING COMPANY KNOWN AS 339-357 HICKS STREET, AKA 70-84 ATLANTIC AVENUE, AKA 320-326 HENRY STREET, AKA 67-105 PACIFIC STREET/FULLER AND OTHMER PAVILLIONS, BLOCK 234, LOT 001; 328-346 HENRY STREET, AKA 79-113 AMITY STREET, AKA 359-377 HICKS STREET, AKA 68-106 PACIFIC STREET (POLAK PAVILLION), BLOCK 290, LOT 013; 336 FLATBUSH AVENUE, BLOCK 1058, LOT 0030; 43 COLUMBIA, BLOCK 259, LOT 008; 74 AMITY STREET, AKA 379-383 HICKS STREET, BLOCK 295, LOT 007; 82 AMITY STREET, BLOCK 295, LOT 011; 86 AMITY STREET, BLOCK 295, LOT 013; 88-98 AMITY STREET, BLOCK 295, LOT 014; 124-134 ATLANTIC AVENUE, AKA 121-125 PACIFIC STREET (COBBLE COURT CONDOMINIUM), BLOCK 285, LOT 1001; 184 STERLING PLACE, BLOCK 1058, LOT 028; 347-353 HENRY STREET, BLOCK 291, LOT 001; 112 PACIFIC STREET, BLOCK 291, LOT 008; 113 CONGRESS STREET, BLOCK 295, LOT 038; 348-352 HENRY STREET, AKA 115-121 AMITY STREET, BLOCK 295, LOT 021; 350-352 HICKS STREET, BLOCK 282, LOT 050; 385-389 HICKS STREET, BLOCK 295, LOT 003; 76 AMITY STREET, BLOCK 295, LOT 608; 78 AMITY STREET, BLOCK 295, LOT 009, UPON ITS DISSOLUTION BY THE COURT, OR ITS CONVEYANCE.

S 815. REPORTS. NOT LATER THAN NINETY DAYS FOLLOWING THE END OF THE STATE FISCAL YEAR THE TRUST SHALL ANNUALLY SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY A REPORT ON THE PRIORITIES AND FINANCES OF THE TRUST.

S 816. ASSISTANCE OF OTHER AGENCIES. THE TRUST BOARD MAY REQUEST FROM ANY STATE AGENCY OR POLITICAL SUBDIVISION OF THE STATE AND THE SAME ARE AUTHORIZED TO PROVIDE SUCH ASSISTANCE AND INFORMATION AS WILL ENABLE IT TO CARRY OUT ITS PURPOSE AND POWERS PURSUANT TO THIS ARTICLE.

S 817. MEMBERS NOT TO PROFIT. NO MEMBER OF THE TRUST SHALL RECEIVE OR MAY BE LAWFULLY ENTITLED TO RECEIVE ANY PECUNIARY PROFIT FROM THE OPERATION OF THE TRUST.

S 818. BROOKLYN HEALTH COMMISSION. WITHIN NINETY DAYS AFTER THE ESTABLISHMENT OF THE TRUST, THE TRUST SHALL ESTABLISH AND FUND THE BROOKLYN HEALTH COMMISSION. FUNDING FOR THE COMMISSION SHALL BE MADE BY THE TRUST IN AN AMOUNT OF ONE MILLION DOLLARS. THE COMMISSION SHALL EXPEND THE FUNDS FOR A STUDY OF THE HEALTH NEEDS OF THE RESIDENTS OF THE COUNTY OF KINGS AND PREPARE A PLAN TO ADDRESS SUCH NEEDS, IN PART, BY THE TRUST.

S 2. This act shall take effect immediately.