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I N   A S S E M B L Y

May 27, 2016

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Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law and the executive law, in relation to requiring legislative approval for the closure of certain office of mental health, office of people with developmental disabilities or office of children and family services facilities and institutions

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

1     Section 1. Subdivision (e) of section 7.17 of the mental hygiene law,  
2     as amended by chapter 723 of the laws of 1993, paragraph 1 as amended by  
3     chapter 170 of the laws of 1994, paragraph 3 as amended by chapter 83 of  
4     the laws of 1995, is amended to read as follows:  
5     (e) In the event that the plan for state and local mental health  
6     services, developed in accordance with subdivision (b) of this section,  
7     determines that significant service reductions are anticipated for a  
8     particular state-operated hospital or its catchment area, or a state-op-  
9     erated research institute, the commissioner shall take the following  
10    actions[, provided nothing in this subdivision shall create a basis for  
11    enjoining any otherwise lawful service reductions]:  
12    1. SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST THREE HUNDRED  
13    SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE IS SEEKING CLOSURE OF ANY  
14    FACILITY OR INSTITUTION. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE  
15    PROPOSED CLOSURE. THE LEGISLATURE MAY REQUIRE ANY ADDITIONAL INFORMATION  
16    OR DATA THAT IT DEEMS NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR  
17    THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED  
18    TO IT BY THE OFFICE, FINDS THAT THE PROPOSED CLOSURE IS NOT JUSTIFIED  
19    THEN CLOSURE SHALL NOT OCCUR UNTIL APPROVED BY A MAJORITY VOTE OF EACH  
20    HOUSE OF THE LEGISLATURE.  
21    2. confer with the department of civil service, the governor's office  
22    of employee relations and any other state agency to develop strategies  
23    which attempt to minimize the impact on the state workforce by providing  
24    assistance in obtaining state employment in state-operated community-  
25    based services or other employment opportunities, and to develop strate-

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

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gies for the development of necessary retraining and redeployment programs. In planning such strategies, the commissioner shall provide for the participation of the representatives of the employee labor organizations and for the participation of managerial and confidential employees to ensure continuity of employment;

[2.] 3. consult with the department of economic development and any other appropriate state agencies to develop strategies which attempt to minimize the impact of such significant service reductions on the local and regional economies;

[3.] 4. provide for a mechanism which may reasonably be expected to provide notice to local governments, community organizations, employee labor organizations, managerial and confidential employees, consumer and advocacy groups of the potential for significant service reductions at such state-operated hospitals and state-operated research institutes at least twelve months prior to commencing such service reduction, provided, however, that this requirement shall be deemed satisfied with respect to reductions at Central Islip Psychiatric Center, Gowanda Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychiatric Center, Willard Psychiatric Center and Manhattan Children's Psychiatric Center; and

[4.] 5. consult with the office of general services and any other appropriate state agency in developing a mechanism for determining alternative uses for land and buildings to be vacated by the office of mental health. Such a mechanism should include a review of other programs or state agencies that could feasibly expand their operations onto a state-operated hospital campus and are compatible with health, safety and programmatic needs of patients served in such facilities.

S 2. The mental hygiene law is amended by adding a new section 13.18 to read as follows:

S 13.18 CLOSURE OF FACILITIES.

THE COMMISSIONER SHALL SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST THREE HUNDRED SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE IS SEEKING CLOSURE OF ANY FACILITY OR INSTITUTION. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE PROPOSED CLOSURE. THE LEGISLATURE MAY REQUIRE ANY ADDITIONAL INFORMATION OR DATA THAT IT DEEMS NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED TO IT BY THE OFFICE, FINDS THAT THE PROPOSED CLOSURE IS NOT JUSTIFIED THEN CLOSURE SHALL NOT OCCUR UNTIL APPROVED BY A MAJORITY VOTE OF EACH HOUSE OF THE LEGISLATURE.

S 3. Subdivision 15 of section 501 of the executive law, as amended by section 1 of part H of chapter 58 of the laws of 2006, is amended to read as follows:

15. In the event that the office of children and family services determines that significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity are anticipated in the office of children and family services long term planning process or for a particular facility in a future year, to take the following actions:

(a) SUBMIT A WRITTEN REPORT TO THE LEGISLATURE AT LEAST THREE HUNDRED SIXTY-FIVE DAYS PRIOR TO THE DATE THE OFFICE OF CHILDREN AND FAMILY SERVICES IS SEEKING CLOSURE OF ANY SECURE OR LIMITED SECURE FACILITY. SUCH REPORT SHALL INCLUDE JUSTIFICATION FOR THE PROPOSED CLOSURE. THE LEGISLATURE MAY REQUIRE ANY ADDITIONAL INFORMATION OR DATA THAT IT DEEMS NECESSARY IN SUCH REPORT. IF THE LEGISLATURE, OR THE APPROPRIATE COMMITTEES THEREOF, UPON REVIEW OF THE REPORT SUBMITTED TO IT BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, FINDS THAT THE PROPOSED CLOSURE IS NOT

1 JUSTIFIED THEN CLOSURE SHALL NOT OCCUR UNTIL APPROVED BY A MAJORITY VOTE  
2 OF EACH HOUSE OF THE LEGISLATURE.

3 (B) confer with the department of civil service, the governor's office  
4 of employee relations and any other state agency to develop strategies  
5 which attempt to minimize the impact on the state workforce by providing  
6 assistance in obtaining state employment in state-operated community-  
7 based services or other employment opportunities, and to develop strate-  
8 gies for the development of necessary retraining and redeployment  
9 programs. In planning such strategies, the commissioner of the office of  
10 children and family services shall provide for the participation of the  
11 representatives of the employee labor organizations and for the partic-  
12 ipation of managerial and confidential employees to ensure continuity of  
13 employment;

14 [(b)] (C) consult with the department of economic development and any  
15 other appropriate state agencies to develop strategies which attempt to  
16 minimize the impact of such significant service reductions, public  
17 employee staffing reductions and/or the transfer of operations to a  
18 private or not-for-profit entity on the local and regional economies;

19 [(c)] (D) provide for a mechanism which may reasonably be expected to  
20 provide notice to local governments, community organizations, employee  
21 labor organizations, managerial and confidential employees, consumer and  
22 advocacy groups of the potential for significant service reductions,  
23 public employee staffing reductions and/or the transfer of operations to  
24 a private or not-for-profit entity at such state-operated facilities, at  
25 least twelve months prior to commencing such service reduction; and

26 [(d)] (E) consult with the office of general services and any other  
27 appropriate state agency in developing a mechanism for determining  
28 alternative uses for land and buildings to be vacated by the office of  
29 children and family services. Such a mechanism should include a review  
30 of other programs or state agencies that could feasibly expand their  
31 operations onto a state-operated campus and are compatible with health,  
32 safety and programmatic needs of persons served in such facilities.

33 S 4. Severability. If any clause, sentence, paragraph, section or part  
34 of this act shall be adjudged by any court of competent jurisdiction to  
35 be invalid, such judgment shall not affect, impair or invalidate the  
36 remainder thereof, but shall be confined in its operation to the clause,  
37 sentence, paragraph, section or part thereof directly involved in the  
38 controversy in which such judgment shall have been rendered.

39 S 5. This act shall take effect on the thirtieth day after it shall  
40 have become a law. Effective immediately, the addition, amendment and/or  
41 repeal of any rule or regulation necessary for the implementation of  
42 this act on its effective date are authorized to be made and completed  
43 on or before such effective date.