

STATE OF NEW YORK

4892

2019-2020 Regular Sessions

IN SENATE

March 28, 2019

Introduced by Sen. PARKER -- 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 twenty-one minimum training requirements for all members of

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

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1 the board of directors or trustees of a voluntary, not-for-profit corpo-
2 ration or facility which is subject to the jurisdiction of the office,
3 with the exception of hospitals operated pursuant to article twenty-
4 eight of the public health law. Such training shall include, but not be
5 limited to, the fiduciary responsibilities of being a board member or
6 trustee and shall provide members or trustees with the tools and best
7 practices necessary to effectively serve in such capacity.

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

13 Registration, training and notification of boards of directors
14 or trustees of certain voluntary not-for-profit facilities or
15 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 [~~for people with developmental disabilities~~] shall furnish annually to
20 the commissioner a list of the names and addresses of the current
21 members of the board of directors or trustees of such facility or corpo-
22 ration together with the last date of the current members' or trustees'
23 completion of the training requirements. Hospitals operated pursuant to
24 article twenty-eight of the public health law shall not be required to
25 furnish completion of training requirements to the commissioner. Nothing
26 in this section shall be construed to exempt such hospitals from the
27 applicable requirements of the public health law. Failure to furnish
28 [~~such~~] an annual list of names and addresses of current members of the
29 board of directors or trustees shall remove such facility or corporation
30 from consideration for recertification.

31 (a-1) The office shall establish no later than October thirty-first,
32 two thousand twenty-one minimum training requirements for all members of
33 the board of directors or trustees of a voluntary, not-for-profit corpo-
34 ration or facility which is subject to the jurisdiction of the office,
35 with the exception of hospitals operated pursuant to article twenty-
36 eight of the public health law. Such training shall include, but not be
37 limited to, the fiduciary responsibilities of being a board member or
38 trustee and shall provide members or trustees with the tools and best
39 practices necessary to effectively serve in such capacity.

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

43 Registration, training and notification of boards of directors
44 or trustees of certain voluntary not-for-profit facilities or
45 corporations.

46 (a) Notwithstanding any other law, rule, or regulation, the executive
47 director, chairperson or president of a voluntary, not-for-profit corpo-
48 ration which has been issued an operating certificate by or has received
49 funding from the office of alcoholism and substance abuse services shall
50 furnish annually to the commissioner of such office a list of the names
51 and addresses of the current members of the board of directors or trus-
52 tees of such corporation together with the last date of the current
53 members' or trustees' completion of the training requirements. Hospi-
54 tals operated pursuant to article twenty-eight of the public health law
55 shall not be required to furnish completion of training requirements to
56 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 twenty-one
8 minimum training requirements for all members of the board of directors
9 or trustees of a voluntary, not-for-profit corporation or facility which
10 is subject to the jurisdiction of such office, with the exception of
11 hospitals operated pursuant to article twenty-eight of the public health
12 law. 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 § 4. This act shall take effect on the ninetieth day after it shall
17 have become a law. Effective immediately the addition, amendment and/or
18 repeal of any rule or regulation necessary for the implementation of
19 this act on its effective date are authorized to be made and completed
20 on or before such date.