

# STATE OF NEW YORK

5440--A

2019-2020 Regular Sessions

## IN SENATE

May 1, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse -- recommitted to the Committee on Alcoholism and Substance 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 establishing a council for treatment equity within the office of addiction services and supports

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mental hygiene law is amended by adding a new section 19.45 to read as follows:

§ 19.45 The council for treatment equity.

1. Definitions. As used in this section:

(a) "Council" shall mean the council for treatment equity created pursuant to this section which shall consist of a full time director and any additional full or part-time staff the commissioner deems necessary to effectuate the provisions of this section.

(b) "Treatment equity advisory board" shall mean the advisory board to the council, created pursuant to subdivision three of this section.

(c) "Vulnerable populations" shall mean those who have experienced injustices and disadvantages as a result of their race, ethnicity, sexual orientation, gender identity, disability status, age, socioeconomic status and/or any other status which has caused a person to experience injustices and disadvantages.

(d) "Racially and ethnically diverse areas" shall mean counties where the non-white population is forty percent or more or the service area of an agency, corporation, facility or individual providing substance use disorder services where the non-white population of said area is forty percent or more.

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

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1 (e) "Provider of services" shall mean any agency, corporation, facility or individual providing substance use disorder services to vulnerable  
2 populations.

3 (f) "Treatment disparities" shall mean measurable differences in  
4 access to and quality of substance use disorder services as determined  
5 by race, ethnicity, sexual orientation, gender identity, disability  
6 status, age and socioeconomic status.

7 (g) "Treatment equity" shall mean achieving the highest level of  
8 substance use disorder services for all people and shall entail focused  
9 efforts to address avoidable inequalities by equalizing those conditions  
10 for substance use disorder services for those that have experienced  
11 injustices and socioeconomic disadvantages.

12 2. The council for treatment equity. There is hereby created a council  
13 for treatment equity. The council, in conjunction with the treatment  
14 equity advisory board, shall have the following powers and duties:

15 (a) Work collaboratively with the office, other relevant state agen-  
16 cies and affected stakeholders, including, but not limited to, providers  
17 and representatives of vulnerable populations, in order to set priori-  
18 ties to achieve treatment equity in both racial and ethnically diverse  
19 areas and for vulnerable populations throughout the state;

20 (b) Analyze collected data to determine the causes of treatment  
21 disparities in both racially and ethnically diverse areas and for  
22 vulnerable populations throughout the state, including any economic,  
23 physical, social or cultural barriers;

24 (c) Develop and implement strategies aimed at achieving treatment  
25 equity in racially and ethnically diverse areas and among vulnerable  
26 populations;

27 (d) Promote community involvement by conducting promotional and educa-  
28 tional outreach programs regarding substance use disorders and available  
29 services; and

30 (e) Review the impact of current laws, rules, regulations, policies  
31 and programs that may be affecting the ability to achieve treatment  
32 equity.

33 3. The treatment equity advisory board. (a) The treatment equity advi-  
34 sory board shall consist of twelve members. Six members shall be  
35 appointed by the governor, three members appointed by the temporary  
36 president of the senate and three members appointed by the speaker of  
37 the assembly. The chairperson of the board shall be the commissioner or  
38 their designee.

39 (b) The members of the board shall be from the community with exper-  
40 tise in conducting substance use disorder services. In making such  
41 appointments, due consideration shall be given to ensuring adequate  
42 geographic representation.

43 (c) The term of office for each member of the treatment equity advi-  
44 sory board shall be two years. Vacancies in the treatment equity advi-  
45 sory board, other than by expiration of a term, shall be filled for the  
46 remainder of the unexpired term in the same manner as original appoint-  
47 ments.

48 (d) The members of the treatment equity advisory board shall receive  
49 no compensation for their services, but shall be reimbursed for all  
50 expenses actually and necessarily incurred by them in the performance of  
51 their duties under this section within the amount made available by  
52 appropriation therefor.

53 4. Report. The council shall submit a written report to the governor,  
54 the temporary president of the senate and the speaker of the assembly no  
55 later than one year succeeding the effective date of this section and  
56

1 annually thereafter, setting forth the findings, recommendations and  
2 activities of the council on matters within the scope of its powers and  
3 duties as set forth in this section.

4 § 2. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law.