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

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

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

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

(a) Work collaboratively with the office, other relevant state agencies and affected stakeholders, including, but not limited to, providers and representatives of vulnerable populations, in order to set priorities to achieve treatment equity in both racial and ethnically diverse areas and for vulnerable populations throughout the state;

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

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

(d) Promote community involvement by conducting promotional and educational outreach programs regarding substance use disorders and available services; and

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

3. The treatment equity advisory board. (a) The treatment equity advisory board shall consist of twelve members. Six members shall be appointed by the governor, three members appointed by the temporary president of the senate and three members appointed by the speaker of the assembly. The chairperson of the board shall be the commissioner or their designee.

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

(c) The term of office for each member of the treatment equity advisory board shall be two years. Vacancies in the treatment equity advisory board, other than by expiration of a term, shall be filled for the remainder of the unexpired term in the same manner as original appointments.

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

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

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

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