STATE OF NEW YORK

5315

2019-2020 Regular Sessions

IN SENATE

April 25, 2019

Introduced by Sen. CARLUCCI -- 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 suspension of service of state-operated individualized residential alternatives

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

Section 1. Subdivision (d) of section 13.17 of the mental hygiene law, as added by section 1 of part Q of chapter 59 of the laws of 2016, paragraph 1 as amended by section 1 of part II of chapter 57 of the laws of 2018, is amended to read as follows:

(d) In the event of a closure [~~or~~], transfer**, or suspension of service** of a state-operated individualized residential alternative (IRA), the commissioner shall:

1. provide appropriate and timely notification to the temporary president of the senate, and the speaker of the assembly, and to appropriate representatives of impacted labor organizations. Such notification to the representatives of impacted labor organizations shall be made as soon as practicable, but no less than ninety days prior to such closure [~~or~~], transfer**, or suspension of service** except in the case of exigent circumstances impacting the health, safety, or welfare of the residents of the IRA as determined by the office. Provided, however, that nothing herein shall limit the ability of the office to effectuate such closure [~~or~~], transfer**, or suspension of service**; and

2. make reasonable efforts to confer with the affected workforce and any other party he or she deems appropriate to inform such affected workforce, the residents of the IRA, and their family members, where appropriate, of the proposed closure [~~or~~], transfer**, or suspension of service** plan.

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision (d) of section 13.17 of the mental hygiene law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.

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

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