

# 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:

1 Section 1. Subdivision (d) of section 13.17 of the mental hygiene law,  
2 as added by section 1 of part Q of chapter 59 of the laws of 2016, para-  
3 graph 1 as amended by section 1 of part II of chapter 57 of the laws of  
4 2018, is amended to read as follows:

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

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

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

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26 subdivision and shall be deemed repealed therewith.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