

# STATE OF NEW YORK

117--A

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GUNTHER, RAMOS, LUPARDO, ABINANTI, WALLACE, PALMESANO -- Multi-Sponsored by -- M. of A. BRAUNSTEIN -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the executive law, in relation to requiring legislative approval for the closure of certain office of mental health, office for people with developmental disabilities or office of children and family services facilities and institutions

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

1 Section 1. The mental hygiene law is amended by adding a new section  
2 13.18 to read as follows:

3 § 13.18 Closure of facilities.

4 The commissioner shall submit a written report to the legislature at  
5 least three hundred sixty-five days prior to the date the office is  
6 seeking closure of any facility or institution. Such report shall  
7 include justification for the proposed closure. The legislature may  
8 require any additional information or data that it deems necessary in  
9 such report. If the legislature, or the appropriate committees thereof,  
10 upon review of the report submitted to it by the office, finds that the  
11 proposed closure is not justified then closure shall not occur until  
12 approved by a majority vote of each house of the legislature.

13 § 2. Subdivision (e) of section 7.17 of the mental hygiene law, as  
14 amended by chapter 723 of the laws of 1993, paragraph 1 as amended by  
15 chapter 170 of the laws of 1994, paragraph 3 as amended by chapter 83 of  
16 the laws of 1995, is amended to read as follows:

17 (e) In the event that the plan for state and local mental health  
18 services, developed in accordance with subdivision (b) of this section,

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

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1 determines that significant service reductions are anticipated for a  
2 particular state-operated hospital or its catchment area, or a state-op-  
3 erated research institute, the commissioner shall take the following  
4 actions[~~, provided nothing in this subdivision shall create a basis for~~  
5 ~~enjoining any otherwise lawful service reductions~~]:

6 1. submit a written report to the legislature at least three hundred  
7 sixty-five days prior to the date the office is seeking closure of any  
8 facility or institution. Such report shall include justification for the  
9 proposed closure. The legislature may require any additional information  
10 or data that it deems necessary in such report. If the legislature, or  
11 the appropriate committees thereof, upon review of the report submitted  
12 to it by the office, finds that the proposed closure is not justified  
13 then closure shall not occur until approved by a majority vote of each  
14 house of the legislature.

15 2. confer with the department of civil service, the governor's office  
16 of employee relations and any other state agency to develop strategies  
17 which attempt to minimize the impact on the state workforce by providing  
18 assistance in obtaining state employment in state-operated community-  
19 based services or other employment opportunities, and to develop strate-  
20 gies for the development of necessary retraining and redeployment  
21 programs. In planning such strategies, the commissioner shall provide  
22 for the participation of the representatives of the employee labor  
23 organizations and for the participation of managerial and confidential  
24 employees to ensure continuity of employment;

25 [~~2.~~] 3. consult with the department of economic development and any  
26 other appropriate state agencies to develop strategies which attempt to  
27 minimize the impact of such significant service reductions on the local  
28 and regional economies;

29 [~~3.~~] 4. provide for a mechanism which may reasonably be expected to  
30 provide notice to local governments, community organizations, employee  
31 labor organizations, managerial and confidential employees, consumer and  
32 advocacy groups of the potential for significant service reductions at  
33 such state-operated hospitals and state-operated research institutes at  
34 least twelve months prior to commencing such service reduction,  
35 provided, however, that this requirement shall be deemed satisfied with  
36 respect to reductions at Central Islip Psychiatric Center, Gowanda  
37 Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychi-  
38 atric Center, Willard Psychiatric Center and Manhattan Children's  
39 Psychiatric Center; and

40 [~~4.~~] 5. consult with the office of general services and any other  
41 appropriate state agency in developing a mechanism for determining  
42 alternative uses for land and buildings to be vacated by the office of  
43 mental health. Such a mechanism should include a review of other  
44 programs or state agencies that could feasibly expand their operations  
45 onto a state-operated hospital campus and are compatible with health,  
46 safety and programmatic needs of patients served in such facilities.

47 § 3. Subdivision 15 of section 501 of the executive law, as amended by  
48 section 1 of part H of chapter 58 of the laws of 2006, is amended to  
49 read as follows:

50 15. In the event that the office of children and family services  
51 determines that significant service reductions, public employee staffing  
52 reductions and/or the transfer of operations to a private or not-for-  
53 profit entity are anticipated in the office of children and family  
54 services long term planning process or for a particular facility in a  
55 future year, to take the following actions:

1 (a) submit a written report to the legislature at least three hundred  
2 sixty-five days prior to the date the office of children and family  
3 services is seeking closure of any secure or limited secure facility.  
4 Such report shall include justification for the proposed closure. The  
5 legislature may require any additional information or data that it deems  
6 necessary in such report. If the legislature, or the appropriate commit-  
7 tees thereof, upon review of the report submitted to it by the office of  
8 children and family services, finds that the proposed closure is not  
9 justified then closure shall not occur until approved by a majority vote  
10 of each house of the legislature.

11 (b) confer with the department of civil service, the governor's office  
12 of employee relations and any other state agency to develop strategies  
13 which attempt to minimize the impact on the state workforce by providing  
14 assistance in obtaining state employment in state-operated community-  
15 based services or other employment opportunities, and to develop strate-  
16 gies for the development of necessary retraining and redeployment  
17 programs. In planning such strategies, the commissioner of the office of  
18 children and family services shall provide for the participation of the  
19 representatives of the employee labor organizations and for the partic-  
20 ipation of managerial and confidential employees to ensure continuity of  
21 employment;

22 [~~(b)~~] (c) consult with the department of economic development and any  
23 other appropriate state agencies to develop strategies which attempt to  
24 minimize the impact of such significant service reductions, public  
25 employee staffing reductions and/or the transfer of operations to a  
26 private or not-for-profit entity on the local and regional economies;

27 [~~(e)~~] (d) provide for a mechanism which may reasonably be expected to  
28 provide notice to local governments, community organizations, employee  
29 labor organizations, managerial and confidential employees, consumer and  
30 advocacy groups of the potential for significant service reductions,  
31 public employee staffing reductions and/or the transfer of operations to  
32 a private or not-for-profit entity at such state-operated facilities, at  
33 least twelve months prior to commencing such service reduction; and

34 [~~(d)~~] (e) consult with the office of general services and any other  
35 appropriate state agency in developing a mechanism for determining  
36 alternative uses for land and buildings to be vacated by the office of  
37 children and family services. Such a mechanism should include a review  
38 of other programs or state agencies that could feasibly expand their  
39 operations onto a state-operated campus and are compatible with health,  
40 safety and programmatic needs of persons served in such facilities.

41 § 4. Severability. If any clause, sentence, paragraph, section or part  
42 of this act shall be adjudged by any court of competent jurisdiction to  
43 be invalid, such judgment shall not affect, impair or invalidate the  
44 remainder thereof, but shall be confined in its operation to the clause,  
45 sentence, paragraph, section or part thereof directly involved in the  
46 controversy in which such judgment shall have been rendered.

47 § 5. This act shall take effect on the thirtieth day after it shall  
48 have become a law. Effective immediately, the addition, amendment and/or  
49 repeal of any rule or regulation necessary for the implementation of  
50 this act on its effective date are authorized to be made and completed  
51 on or before such effective date.