

# STATE OF NEW YORK

117--B

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. GUNTHER, RAMOS, LUPARDO, ABINANTI, WALLACE, PALMESANO, O'DONNELL, LAWLER -- Multi-Sponsored by -- M. of A. BRAUN-STEIN -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law and the executive law, in relation to the closure or suspension of services 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 or suspension of services 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 or suspension of services of any facility or institu-  
7 tion. Such report shall include, but not be limited to: (1) justifica-  
8 tion for the proposed closure or suspension of services; (2) information  
9 on the fiscal year budgeted staffing levels; (3) information on the  
10 current staffing levels by position or title; (4) information both  
11 statewide and on a regional basis regarding: (a) how many full time  
12 equivalent positions have been budgeted for; (b) how many full time  
13 equivalent positions have been filled; (c) how many full time equivalent  
14 vacancies exist; and (d) waiting lists for individuals eligible to  
15 receive care in a residential setting; and (5) steps taken by the agency  
16 to recruit staff for new and vacant positions. Such report shall be  
17 submitted to the speaker of the assembly and the temporary president of

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

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1 the senate on a quarterly basis. The legislature may require any addi-  
2 tional information or data that it deems necessary in such report.

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

7 (e) In the event that the plan for state and local mental health  
8 services, developed in accordance with subdivision (b) of this section,  
9 determines that significant service reductions are anticipated for a  
10 particular state-operated hospital or its catchment area, or a state-op-  
11 erated research institute, the commissioner shall take the following  
12 actions[~~, provided nothing in this subdivision shall create a basis for~~  
13 ~~enjoining any otherwise lawful service reductions~~]:

14 1. submit a written report to the legislature at least three hundred  
15 sixty-five days prior to the date the office is seeking closure or  
16 suspension of services of any facility or institution. Such report shall  
17 include, but not be limited to: (1) justification for the proposed  
18 closure or suspension of services; (2) information on the fiscal year  
19 budgeted staffing levels; (3) information on the current staffing levels  
20 by position or title; (4) information both statewide and on a regional  
21 basis regarding: (a) how many full time equivalent positions have been  
22 budgeted for; (b) how many full time equivalent positions have been  
23 filled; (c) how many full time equivalent vacancies exist; and (d) wait-  
24 ing lists for individuals eligible to receive care in a residential  
25 setting; and (5) steps taken by the agency to recruit staff for new and  
26 vacant positions. Such report shall be submitted to the speaker of the  
27 assembly and the temporary president of the senate on a quarterly basis.  
28 The legislature may require any additional information or data that it  
29 deems necessary in such report.

30 2. confer with the department of civil service, the governor's office  
31 of employee relations and any other state agency to develop strategies  
32 which attempt to minimize the impact on the state workforce by providing  
33 assistance in obtaining state employment in state-operated community-  
34 based services or other employment opportunities, and to develop strate-  
35 gies for the development of necessary retraining and redeployment  
36 programs. In planning such strategies, the commissioner shall provide  
37 for the participation of the representatives of the employee labor  
38 organizations and for the participation of managerial and confidential  
39 employees to ensure continuity of employment;

40 [~~2+~~] 3. consult with the department of economic development and any  
41 other appropriate state agencies to develop strategies which attempt to  
42 minimize the impact of such significant service reductions on the local  
43 and regional economies;

44 [~~3+~~] 4. provide for a mechanism which may reasonably be expected to  
45 provide notice to local governments, community organizations, employee  
46 labor organizations, managerial and confidential employees, consumer and  
47 advocacy groups of the potential for significant service reductions at  
48 such state-operated hospitals and state-operated research institutes at  
49 least twelve months prior to commencing such service reduction,  
50 provided, however, that this requirement shall be deemed satisfied with  
51 respect to reductions at Central Islip Psychiatric Center, Gowanda  
52 Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychi-  
53 atric Center, Willard Psychiatric Center and Manhattan Children's  
54 Psychiatric Center; and

55 [~~4+~~] 5. consult with the office of general services and any other  
56 appropriate state agency in developing a mechanism for determining

1 alternative uses for land and buildings to be vacated by the office of  
2 mental health. Such a mechanism should include a review of other  
3 programs or state agencies that could feasibly expand their operations  
4 onto a state-operated hospital campus and are compatible with health,  
5 safety and programmatic needs of patients served in such facilities.

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

9 15. In the event that the office of children and family services  
10 determines that significant service reductions, public employee staffing  
11 reductions and/or the transfer of operations to a private or not-for-  
12 profit entity are anticipated in the office of children and family  
13 services long term planning process or for a particular facility in a  
14 future year, to take the following actions:

15 (a) submit a written report to the legislature at least three hundred  
16 sixty-five days prior to the date the office of children and family  
17 services is seeking closure or suspension of services of any secure or  
18 limited secure facility. Such report shall include, but not be limited  
19 to: (1) justification for the proposed closure or suspension of  
20 services; (2) information on the fiscal year budgeted staffing levels;  
21 (3) information on the current staffing levels by position or title; (4)  
22 information both statewide and on a regional basis regarding: (a) how  
23 many full time equivalent positions have been budgeted for; (b) how many  
24 full time equivalent positions have been filled; (c) how many full time  
25 equivalent vacancies exist; and (d) waiting lists for individuals eligi-  
26 ble to receive care in a residential setting; and (5) steps taken by the  
27 agency to recruit staff for new and vacant positions. Such report shall  
28 be submitted to the speaker of the assembly and the temporary president  
29 of the senate on a quarterly basis. The legislature may require any  
30 additional information or data that it deems necessary in such report.

31 (b) confer with the department of civil service, the governor's office  
32 of employee relations and any other state agency to develop strategies  
33 which attempt to minimize the impact on the state workforce by providing  
34 assistance in obtaining state employment in state-operated community-  
35 based services or other employment opportunities, and to develop strate-  
36 gies for the development of necessary retraining and redeployment  
37 programs. In planning such strategies, the commissioner of the office of  
38 children and family services shall provide for the participation of the  
39 representatives of the employee labor organizations and for the partic-  
40 ipation of managerial and confidential employees to ensure continuity of  
41 employment;

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

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

54 [~~(d)~~] (e) consult with the office of general services and any other  
55 appropriate state agency in developing a mechanism for determining  
56 alternative uses for land and buildings to be vacated by the office of

1 children and family services. Such a mechanism should include a review  
2 of other programs or state agencies that could feasibly expand their  
3 operations onto a state-operated campus and are compatible with health,  
4 safety and programmatic needs of persons served in such facilities.

5 § 4. Severability. If any clause, sentence, paragraph, section or part  
6 of this act shall be adjudged by any court of competent jurisdiction to  
7 be invalid, such judgment shall not affect, impair or invalidate the  
8 remainder thereof, but shall be confined in its operation to the clause,  
9 sentence, paragraph, section or part thereof directly involved in the  
10 controversy in which such judgment shall have been rendered.

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