

# STATE OF NEW YORK

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2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. GUNTHER, RAMOS, LUPARDO, ABINANTI, WALLACE, PALMESANO, O'DONNELL, LAWLER -- 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 -- again reported from said committee with amendments, 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

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

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1 submitted to the speaker of the assembly and the temporary president of  
2 the senate and shall be published on the office's website on a quarterly  
3 basis. The legislature may require any additional information or data  
4 that it deems necessary in such report.

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

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

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

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

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

47 [~~3-~~] 4. 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 at  
51 such state-operated hospitals and state-operated research institutes at  
52 least twelve months prior to commencing such service reduction,  
53 provided, however, that this requirement shall be deemed satisfied with  
54 respect to reductions at Central Islip Psychiatric Center, Gowanda  
55 Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychi-

atric Center, Willard Psychiatric Center and Manhattan Children's Psychiatric Center; and

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

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

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

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

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

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

~~(c)~~ (d) provide for a mechanism which may reasonably be expected to provide notice to local governments, community organizations, employee labor organizations, managerial and confidential employees, consumer and advocacy groups of the potential for significant service reductions, public employee staffing reductions and/or the transfer of operations to

1 a private or not-for-profit entity at such state-operated facilities, at  
2 least twelve months prior to commencing such service reduction; and  
3 [~~(d)~~] (e) consult with the office of general services and any other  
4 appropriate state agency in developing a mechanism for determining  
5 alternative uses for land and buildings to be vacated by the office of  
6 children and family services. Such a mechanism should include a review  
7 of other programs or state agencies that could feasibly expand their  
8 operations onto a state-operated campus and are compatible with health,  
9 safety and programmatic needs of persons served in such facilities.

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

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