

STATE OF NEW YORK

1765

2021-2022 Regular Sessions

IN SENATE

January 15, 2021

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

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,
19 determines that significant service reductions are anticipated for a
20 particular state-operated hospital or its catchment area, or a state-op-
21 erated research institute, the commissioner shall take the following

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

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1 actions[~~, provided nothing in this subdivision shall create a basis for~~
2 ~~enjoining any otherwise lawful service reductions~~]:

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

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

22 [~~2-~~] 3. 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 on the local
25 and regional economies;

26 [~~3-~~] 4. provide for a mechanism which may reasonably be expected to
27 provide notice to local governments, community organizations, employee
28 labor organizations, managerial and confidential employees, consumer and
29 advocacy groups of the potential for significant service reductions at
30 such state-operated hospitals and state-operated research institutes at
31 least twelve months prior to commencing such service reduction,
32 provided, however, that this requirement shall be deemed satisfied with
33 respect to reductions at Central Islip Psychiatric Center, Gowanda
34 Psychiatric Center, Harlem Valley Psychiatric Center, Kings Park Psychi-
35 atric Center, Willard Psychiatric Center and Manhattan Children's
36 Psychiatric Center; and

37 [~~4-~~] 5. consult with the office of general services and any other
38 appropriate state agency in developing a mechanism for determining
39 alternative uses for land and buildings to be vacated by the office of
40 mental health. Such a mechanism should include a review of other
41 programs or state agencies that could feasibly expand their operations
42 onto a state-operated hospital campus and are compatible with health,
43 safety and programmatic needs of patients served in such facilities.

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

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

53 (a) submit a written report to the legislature at least three hundred
54 sixty-five days prior to the date the office of children and family
55 services is seeking closure of any secure or limited secure facility.
56 Such report shall include justification for the proposed closure. The

1 legislature may require any additional information or data that it deems
2 necessary in such report. If the legislature, or the appropriate commit-
3 tees thereof, upon review of the report submitted to it by the office of
4 children and family services, finds that the proposed closure is not
5 justified then closure shall not occur until approved by a majority vote
6 of each house of the legislature.

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

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

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

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

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

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