

STATE OF NEW YORK

1765--A

Cal. No. 196

2021-2022 Regular Sessions

IN SENATE

January 15, 2021

Introduced by Sens. MANNION, AKSHAR, BIAGGI, BROUK, GALLIVAN, GAUGHRAN, HELMING, HINCHEY, JORDAN, MARTUCCI, REICHLIN-MELNICK, SERINO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 and shall be published on the office's website on a quarterly
2 basis. The legislature may require any additional information or data
3 that it deems necessary in such report.

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

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

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

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

42 ~~[2.]~~ 3. 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 on the local
45 and regional economies;

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

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

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

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

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

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

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

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

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

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

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