

# STATE OF NEW YORK

10384

## IN ASSEMBLY

May 21, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte Hermelyn) -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to requiring boards of visitors provide greater transparency to the public regarding such boards' activities

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

1 Section 1. Subdivisions (d), (f) and (j) of section 13.33 of the  
2 mental hygiene law, as amended by section 4 of part J of chapter 56 of  
3 the laws of 2012, are amended to read as follows:

4 (d) Each board shall, at the first meeting of each calendar year elect  
5 one member to serve as president of the board and one member to serve as  
6 secretary; provided however, that no member may serve for more than two  
7 consecutive years as president. After such election of the president  
8 and secretary, each board shall inform the governor, the speaker of the  
9 assembly and the temporary president of the senate of such new president  
10 and secretary.

11 (f) (1) Each board of visitors shall hold six bi-monthly regular meet-  
12 ings annually, but a greater number of regular meetings may be scheduled  
13 by the board. Each board of visitors shall establish in their by-laws or  
14 otherwise, in writing and at the first meeting of each calendar year,  
15 whether these six meetings shall be held during months represented by  
16 odd numbers or months represented by even numbers. The president of the  
17 board shall notify [~~the chairman of the commission on quality of care~~  
18 ~~and advocacy for persons with disabilities~~] the executive director of  
19 the justice center for the protection of people with special needs and  
20 the [~~state operations director~~] commissioner of the determination made  
21 concerning the designated months for the six bi-monthly regular meet-  
22 ings. The dates of such meetings shall be posted on the office's  
23 website and shall be made available to the public. The president of the  
24 board, the commissioner, [~~the director,~~] or the members as determined by  
25 the rules of the board may call special meetings. The board may [~~require~~  
26 ~~the director~~] request the commissioner, or such commissioner's designee,

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

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1 to submit a report at each meeting. Each board shall keep a record of  
2 its proceedings and activities. A member of a board of visitors who has  
3 failed to attend three consecutive bi-monthly regular meetings shall be  
4 considered to have vacated [~~his~~] such member's office unless otherwise  
5 ordered by the governor. The board shall cause notice of any of its  
6 public meetings to be sent to the mental hygiene legal service located  
7 in the same judicial department as the state operations office. The  
8 mental hygiene legal service may send a representative to any such  
9 public meeting, and may request the board to review patient complaints  
10 or investigate alleged incidents of abuse or mistreatment. The board  
11 shall notify the appropriate representative of the mental hygiene legal  
12 service of the board's actions and findings in relation to any such  
13 request. Meeting minutes, agendas, proceedings, activities, by-laws and  
14 actions by each board shall be posted on the office's website and shall  
15 be made available to the public.

16 (2) The president of the board of visitors shall notify a member by  
17 certified or registered mail return receipt requested when such member  
18 of the board has failed to attend any two consecutive bi-monthly regular  
19 meetings. This notice shall be sent within ten days following the second  
20 meeting and shall include the dates of the two meetings which were  
21 missed, the date of the next bi-monthly regular meeting, and a statement  
22 concerning the consequences of failure to attend the next meeting.

23 (3) Within three days after the third consecutive absence at a  
24 bi-monthly regular meeting by a member, the president of the board of  
25 visitors shall notify, in writing, the governor, the commissioner, the  
26 [~~chairman of the commission on quality of care and advocacy for persons~~  
27 ~~with disabilities~~] executive director of the justice center for the  
28 protection of people with special needs, the temporary president of the  
29 senate and the [~~state operations director~~] speaker of the assembly of  
30 such absences. The president of the board of visitors shall send a copy  
31 of this notice by registered or certified mail return receipt requested  
32 to the member to whom it pertains. The member may petition the governor  
33 to excuse [~~his~~] such member's absences. If the governor does not excuse  
34 the absences within forty-five days of the date of the third consecutive  
35 meeting absence, the office of the member shall be deemed vacated.

36 (j) Once each year, each board shall make an independent assessment of  
37 conditions at such facilities and shall submit a report on the assess-  
38 ment and recommendations to the governor, to the commissioner, to the  
39 temporary president of the senate, to the speaker of the assembly and to  
40 the [~~chairman of the state commission on quality of care and advocacy~~  
41 ~~for persons with disabilities~~] executive director of the justice center  
42 for the protection of people with special needs.

43 § 2. This act shall take effect on the one hundred twentieth day after  
44 it shall have become a law.