

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 1 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

#### A) Policy Statement

The Commissioner is the governing authority of the Office of Mental Health (OMH). Each State-operated psychiatric facility shall have a governing body that has overall responsibility for its operation. The governing body shall be composed of the Commissioner, the Executive Director, a facility Cabinet member appointed by the Commissioner, and the Associate Commissioner for State Psychiatric Center Management.

#### B) Relevant Statutes and Standards

Mental Hygiene Law, Articles 5 and 7  
Public Officers Law, §§73 & 74  
JCAHO Hospital Accreditation Manual  
42 CFR, Part 482

#### C) Definitions

- 1) **Executive Director** means the individual, with this or an equivalent title, who is responsible for the overall management of a State-operated facility.
- 2) **Program Director** means the individual in the central office of OMH who is responsible for overseeing the operation of a specific category of State-operated psychiatric facilities (i.e., adult facilities, children's facilities, and forensic facilities).

#### D) Body of Directive

##### 1) **Composition, Eligibility and Authority of the Governing Body**

- a) For each facility, the governing body shall be composed of the Commissioner, the Executive Director, a facility Cabinet member appointed by the Commissioner, and the Deputy or Associate Commissioner responsible for adult, children's or forensic psychiatric center management, as appropriate.
  - (i) The Commissioner may designate an executive staff member to represent him or her at a governing body meeting. Such designee may include the:
    - (1) Executive Deputy Commissioner;
    - (2) Chief Medical Officer;

 New York State <b>omh</b> Office of Mental Health	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 2 of 9	<b>Section #</b> A-405
	<b>OMH</b> <b>Official Policy</b> <b>Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

- (3) Deputy Commissioner and Counsel;
  - (4) Deputy Commissioner, Chief Fiscal Officer;
  - (5) Deputy or Associate Commissioner responsible for adult, children's or forensic psychiatric center management, as appropriate;
  - (6) Deputy Commissioner, Chief Planning Officer;
  - (7) Senior Deputy Commissioner, Director, Division of Community Care Systems Management;
  - (8) Deputy Commissioner, Center for Information Technology and Evaluation Research.
    - (ii) The Deputy or Associate Commissioner responsible for adult, children's or forensic psychiatric center management, may designate a Program Director or designee to act on his or her behalf at a governing body meeting.
    - (iii) In addition to a designee appointed pursuant to section D.1)a)i), the Commissioner may request the participation of other executive staff members at any governing body meeting. Such participants, who shall not have voting privileges in the specified meeting, shall be selected from the list in section D.1)a)i).
- b) The criteria for eligibility as a member of the governing body is appointment to the applicable position.
  - c) The Commissioner is appointed by the Governor, and the appointment is confirmed by the New York State Senate. The Commissioner's designees are provided authority through their functional responsibility in the organization.
  - d) The Executive Director is appointed by the Commissioner, with the approval of the Governor's Office and Division of the Budget.
  - e) Facility Cabinet members are appointed by the Commissioner, with the approval of the Governor's Office and Division of the Budget, and are provided authority through their functional responsibilities at the facility.

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 3 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

f) The Associate Commissioner of State Psychiatric Center Management is appointed by the Commissioner, with the approval of the Governor's Office and Division of the Budget, and is provided authority through his/her functional responsibility in the organization.

## 2) Responsibilities of Individual Members of the Governing Body

a) The Commissioner shall:

- (i) provide planning and operational guidance; and
- (ii) allocate available resources, through the executive budget process, to enable facilities to meet statewide goals and objectives.

b) The Executive Director shall:

- (i) define and annually update goals and objectives in accordance with service needs and statewide goals and objectives, and formulate and maintain programs to meet those needs;
- (ii) provide documentation to verify that these goals and objectives are based on a planning process; and
- (iii) obtain relevant input from administrative, inpatient, community services, and quality management staff.

c) The Deputy or Associate Commissioner responsible for adult, children's or forensic psychiatric center management, shall:

- (i) provide data and goals for the statewide comprehensive plan;
- (ii) provide supervision, consultation, advice and assistance to facilities as appropriate or necessary to achieve and maintain high standards of operation in all areas including, but not limited to, organization, administration, staffing and staff qualifications, patients' rights, program operation, treatment planning and documentation, risk management, discharge planning and continuity of care; and
- (iii) review results of program improvement and documentation of quality management activities conducted by facility staff.

 New York State <b>omh</b> Office of Mental Health	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 4 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

### 3) Responsibilities of the Governing Body

Each facility's governing body shall:

- (a) create a mission, vision and goal statement, schedule and conduct periodic meetings of members to assess performance in relation to goals and objectives, and to discuss pertinent administrative, clinical and other issues. Such meetings shall be held as often as is necessary for the governing body to fulfill its responsibilities. Meetings may be held at the facility or a centralized location, or may be conducted through telecommunications. However, at least one meeting per year shall be held at the facility.
- (b) complete a documented review of the governing body rules and guidelines, and the medical staff bylaws every three years, or more frequently if necessary, with approval by a majority vote;
- (c) address conflict of interest issues in conformance with the Public Officers Law §§ 73 and 74;
- (d) provide full disclosure of the governing body membership by publishing the members' names and addresses in the governing body rules and guidelines;
- (e) provide necessary resources to meet the facility's goals and objectives in accordance with the facility's strategic plan and the State budget process;
- (f) provide oversight of fiscal performance and maintain fiscal accountability of the facility;
- (g) identify priorities and what alternate strategies may be employed to provide necessary services when sufficient resources are not available to satisfy all goals and objectives;
- (h) obtain and utilize Quality Management skills to establish and maintain improvement of the organization's performance;
- (i) ensure the participation of at least one governing body member in the JCAHO accreditation process, including attendance at the summation conference; and
- (j) provide adequate insurance protection. (This requirement is satisfied by the Mental Hygiene Law section 7.35 and Public Officers Law section 17.)

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 5 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

#### 4) Input and Advice to the Governing Body

- a) The Commissioner, in accordance with Mental Hygiene Law sections 5.07 and 7.05, shall receive the advice of the Mental Health Services Council.
- b) The governing body is subject to the statewide jurisdictions of the Division of the Budget and the Department of Civil Service.
- c) The Board of Visitors of the psychiatric facility, as authorized in Mental Hygiene Law section 7.33, shall provide advice to the governing body.
- d) Representation from interest groups is advantageous to the functioning of the governing body. Such representation may be provided through committees, councils and boards, or through input from the Board of Visitors. Methods of providing representation shall be delineated in the governing body rules and guidelines. Interest groups may include but are not limited to:
  - (i) patients or former patients;
  - (ii) parents or relatives of patients or former patients;
  - (iii) community interest groups;
  - (iv) representatives of local governments;
  - (v) representatives of the medical staff; and
  - (vi) other interested groups.

#### 5) Governing Body Rules and Guidelines

The governing body shall develop governing body rules and guidelines which delineate the responsibility and authority of the members of the governing body. At a minimum, the following issues shall be addressed (Note: Those issues which are already covered in Mental Hygiene Law, Title 14 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Office of Mental Health Official Policy Manual or other policy directives are so noted and need not be covered in governing body rules and guidelines, but must be referenced in the document.):

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 6 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

- a) documentation outlining the relationship between the governing body and administrative staff, medical staff and the community, as well as the procedures under which the administrative and medical staff cooperatively function (relationship with the community is covered in Mental Hygiene Law section 7.33);
- b) procedures for selection of medical staff officers, directors of departments and service chiefs;
- c) procedures for granting clinical privileges;
- d) criteria for eligibility for governing body membership;
- e) method of selection of governing body members and terms of appointment;
- f) method of determining a quorum;
- g) attendance requirements for governing body meetings;
- h) qualification, authority (including delegation of appointing authority for medical staff) and responsibility of the Executive Director (authority and responsibility are covered in Mental Hygiene Law section 7.21);
- i) manner of appointment of Executive Director (addressed in Mental Hygiene Law section 7.21);
- j) manner of reporting to the governing body regarding required Medical Staff Organization (MSO) monitoring functions, improving organization performance functions, MSO appointments and privilege, risk management and monitoring; and
- k) review of governing body rules and guidelines every three years and revise, as necessary. The governing body rules and guidelines must be signed and dated to indicate the last review.

## 6) Governing Body Meetings and Quorum

- a) Governing body meetings must be formally scheduled. The agenda for these meetings should address program goals, objectives and operation, and any other applicable management, administrative, clinical and performance improvement issues.

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 7 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

- b) When three-fourths of the governing body members are present for a meeting, this shall constitute a quorum. Governing body members shall not be allowed to vote in any governing body meeting in which the related decision involves that member's appointment.
- c) Governing body minutes are the written minutes of each formal meeting of the governing body. Minutes shall document issues presented to the governing body, as well as governing body-directed action. Written communications of a specific and supervisory nature between the Commissioner and his or her designees may also constitute evidence of governance by the governing body.
- d) Governing body minutes are available to the public in accordance with the provisions of the New York State Freedom of Information Law.

## 7) Medical Staff Organization

- a) The governing body is responsible for ensuring that there is a single, organized medical staff responsible for the quality of all clinical care, for the ethical conduct and professional practice of its members, and for accounting to the governing body. Medical staff appointments and reappointments must be approved by the governing body.
- b) The medical staff has the right to representation (through attendance and voice), by one or more medical staff members selected by the medical staff, at meetings of the governing body.
- c) An executive committee of the medical staff must be appointed by the medical staff organization to conduct necessary business when it is not possible, desirable or necessary for the entire MSO to meet. Specific responsibilities of the executive committee relative to the governing body are as follows:
  - (i) provide recommendations to the governing body on all matters relating to medical staff appointments and reappointments, assignments and clinical privilege; and
  - (ii) ensure fulfillment of the medical staff's accountability to the governing body for the quality of the overall clinical care rendered to patients in the facility.
- d) The medical staff must develop and implement medical staff bylaws which specify the policies, procedures and rules that will be followed to satisfy medical staff responsibilities. The bylaws must be reviewed and approved by the governing body.

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 8 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

Specific issues relative to the governing body which must be covered in the bylaws include the following:

- (i) current medical staff practices and provision of adherence to a code of ethical practice;
- (ii) role of the physician and non-physician in the care of inpatients, residential patients and outpatients;
- (iii) patient record requirements;
- (iv) the size, composition and method of selection of executive committee members, and the frequency of meetings; and
- (v) mechanisms for the regular review, evaluation and monitoring of clinical or medical staff practices and functions, including conflict of interest.

## 8) Publications

- a) Publications consistent with the organization and service delivery system of the OMH must be available. Such publications shall include, at a minimum, the following:
  - (i) governing body rules and guidelines;
  - (ii) Life Safety Code of the National Fire Protection Association;
  - (iii) minutes of governing body meetings for the previous five years;
  - (iv) mental health section of the New York State Executive Budget;
  - (v) New York State Mental Hygiene Law;
  - (vi) OMH Official Policy Manual;
  - (vii) medical staff bylaws;
  - (viii) Title 14 of the Official Compilation of Codes, Rules and Regulations of the State of New York;
  - (ix) Diagnostic and Statistical Manual of Mental Disorders; and

	State of New York Office Of Mental Health	<b>Date Issued</b> 8/28/2013	<b>T.L.</b> 13-12	<b>Page</b> 9 of 9	<b>Section #</b> A-405
	<b>OMH Official Policy Manual</b>	<b>Section:</b> Administration-State Operated Psychiatric Facilities			
		<b>Directive:</b> Governing Body Requirements			

- (x) OMH Uniform Case Record.
- b) Publications of other State agencies must be available and shall include, at a minimum, the following:
  - (i) Attendance Rules (Department of Civil Service);
  - (ii) Classification and Compensation Standards (Department of Civil Service);
  - (iii) Grievance and Discipline Arbitrations (Governor's Office of Employee Relations);
  - (iv) New York State Civil Service Law;
  - (v) Payroll Manual (Office of the State Comptroller);
  - (vi) State Personnel Management Manual (Department of Civil Service); and
  - (vii) Title and Salary Plan (Department of Civil Service).