

**New York State Mental Hygiene Law, Title E, Article 41**

**§ 41.10 State conference of local mental hygiene directors.**

(a) There is hereby created the New York state conference of local mental hygiene directors, hereinafter referred to as the conference.

(b) The conference shall be composed of all the directors of community services as defined in this chapter.

(c) The conference shall meet twice a year, or when called by the chairman, provided ten days' notice is given.

(d) The conference shall elect bi-annually, from among its members, a chairman, vice-chairman, secretary and treasurer who shall serve for two-year terms. An executive committee composed of, but not limited to, the above named officials shall be responsible for the convening of meetings, recording and distribution of minutes, and other administrative functions.

(e) The conference shall have the power to adopt, amend or repeal by-laws relating to its business and the conduct of its affairs.

(f) The conference shall have the following powers:

1. To review and comment upon rules or regulations proposed by any of the offices of the department for the operation of local and unified service plans and programs. Comments on rules or regulations approved by the conference shall be given to the appropriate commissioner or commissioners for review and consideration; and

2. To propose rules or regulations governing the operation of the local and unified services programs, and to forward such proposed rules or regulations to the appropriate commissioner or commissioners for review and consideration.

(g) The chairman of the conference may appoint, for the purpose of advising the commissioners, such other committees of the conference as he may from time to time deem necessary.

§ 41.05 Local governmental unit.

(a) To be eligible for state aid pursuant to this chapter, a local government shall establish a local governmental unit, which shall be an identifiable entity within the local government.

(b) Each local governmental unit shall have a community services board for services to the mentally ill, the mentally retarded and developmentally disabled and those suffering from alcoholism and substance abuse which shall have separate subcommittees for mental health, mental retardation and developmental disabilities, and alcoholism, except that, at the discretion of the local government, a subcommittee for alcoholism and substance abuse may be substituted for a subcommittee for alcoholism.

(c) Each local governmental unit shall have a director who shall be its chief executive officer. Charter governments may vest policy-making functions in the director or they may vest all or some of such functions in the board. In all other cases, the policy-making functions shall vest in the board.

(d) Applications to the state for aid pursuant to this chapter shall be made by the respective local governmental units, except that an application for capital costs may be made by a voluntary agency in accordance with the provisions of this article.

(e) Each local governmental unit shall direct and administer a local comprehensive planning process for its geographic area, consistent with established statewide goals and objectives. All providers of services and department facilities shall participate in and provide information for this planning process. The department shall provide technical assistance as may be requested by such local governmental units, within available resources.

§ 41.07 Provision of services by the local governmental unit.

(a) Local governmental units may provide local or unified services and facilities directly or may contract for the provision of those services by other units of local or state government, by voluntary agencies, or by professionally qualified individuals.

(b) Subject to the approval of the commissioners of the offices having jurisdiction over the services, local governments may arrange for the provision of services eligible for state aid outside their territorial jurisdictions or the state.

(c) Local governments may provide joint local or unified services and facilities through agreements, made pursuant to law, which may provide either that one local government provide and supervise these services for other local governments or that a joint board or a joint local department be established to administer these services for the populations of all contracting local governments.

§ 41.09 Director.

(a) Charter governments may provide for appointment and removal of directors in a manner authorized by such governments. In all other local governments, the board shall appoint and remove the director. Salaries and allowable expenses shall be set by the appointing authority.

(b) Each director shall be a psychiatrist or other professional person who meets standards set by the commissioner for the position. If the director is not a physician, he shall not have the power to conduct examinations authorized to be conducted by an examining physician or by a director of community services pursuant to this chapter but he shall designate an examining physician who shall be empowered to conduct such examinations on behalf of such director. A director need not reside in the area to be served. The director shall be a full-time employee except in cases where the commissioner has expressly waived the requirement.