

IOCC Program Committee Procedures Regarding Appointment of Director of Community Services

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Legal and Regulatory Basis

- NYS Mental Hygiene Law & NYCRR
 - MHL Section 41.05 requires that in order to be eligible for State Aid, a county or City of NY shall establish a local governmental unit (LGU). The Director of Community Services (DCS) heads the unit for the purposes of this law.
 - MHL Section 41.09 sets forth the DCS appointment process and requirement that DCS meet the standards set by the IOCC
 - NYCRR Part 102 – sets forth the DCS job qualifications and waiver requirements and procedures

So how does it really work?

- Chairperson of the IOCC receives notice of a resignation or empty DCS position from a county.
- The County subsequently informs the IOCC Chairperson that the County has chosen a candidate for permanent appointment as their DCS.
- Or, the County can install someone as an acting DCS for a 6 month period until a DCS is approved.

Contents of County Notice for DCS candidate review

- Included with the County notice to IOCC are:
 - A candidates resume indicating experience and education necessary to meet the standards of NYCRR 14 Part 102
 - A copy of professional licensure or certification
 - If the candidate is administrative rather than clinical, the county must designate a clinical supervisor and share that information in this correspondence to the IOCC.

So how does it really work?

- IOCC Chairperson acknowledges receipt and shares letter and attachments with fellow IOCC members
- All IOCC members have 30 days to review the candidate's credentials
- After discussion, the Chairperson informs the county of the IOCC decision on the candidate.

There is an appeal process in which additional information may be shared with the IOCC. The finding of the appeal is final with no additional administrative appeal available.

Special Circumstances

- County requests a Waiver of Full Time Status
 - NYS MHL Section 41.09 and 14 NYCRR Part 102.8 address this issue
 - IOCC Members consider
 - potential conflicts of interest
 - LGU structure
 - And other considerations that might hamper the effective delivery of services in a county

Another Example

- The County's candidate is not a clinician and has no clinical background or education.
 - IOCC requires that the County designate a clinician (e.g., licensed physician, licensed psychologist, licensed certified social worker, licensed RN with a masters in psychiatric nursing and other masters level disciplines with five years experience.)

One last example

- The county can't find someone and needs to appoint an Acting DCS until they find a permanent candidate.
 - The County must inform IOCC of their plan to appoint a Acting Director.
 - In situations where the Acting Director would not meet the qualifications for the position, the appointment is valid for up to six months.

Contact us with Questions

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