

# STATE OF NEW YORK

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7804

2017-2018 Regular Sessions

## IN ASSEMBLY

May 15, 2017

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Introduced by M. of A. HARRIS, GUNTHER -- (at request of the Justice Center for the Protection of People with Special Needs) -- read once and referred to the Committee on Mental Health

AN ACT to amend the social services law, in relation to the requirement to check the justice center's register of substantiated category one cases of abuse or neglect

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

1 Section 1. Subdivisions 2 and 3 of section 495 of the social services  
2 law, as added by section 1 of part B of chapter 501 of the laws of 2012,  
3 are amended to read as follows:

4 2. (a) All facility and provider agencies, other providers of services  
5 to vulnerable persons in programs licensed, certified or funded by any  
6 state oversight agency, overnight, summer day and traveling summer day  
7 camps for children subject to the provisions of article thirteen-b of  
8 the public health law, any provider defined in subdivision six of  
9 section twenty-eight hundred ninety-nine of the public health law and,  
10 except for a state or local governmental official who receives an appli-  
11 cation for a permit to operate a camp that is subject to the provisions  
12 of article thirteen-b of the public health law, other provider and  
13 licensing agencies as defined in subdivision three or four of section  
14 four hundred twenty-four-a of this chapter shall check the register of  
15 substantiated category one cases of abuse or neglect before determining  
16 whether to hire or otherwise allow any person as an employee, adminis-  
17 trator, consultant, intern, volunteer or contractor who will have the  
18 potential for regular and substantial contact with a service recipient  
19 or before approving an applicant for a license, certificate, permit or  
20 other approval to provide care to a service recipient. (For state enti-  
21 ties bound by collective bargaining, such action established by collec-  
22 tive bargaining shall govern.)

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

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1 (b) An inquiry regarding any current employee, administrator, consult-  
2 ant, intern, volunteer or contractor who will have the potential for  
3 regular and substantial contact with a service recipient may be made  
4 only once in any six-month period.

5 3. If a person is listed on the register of substantiated category one  
6 cases of abuse or neglect, a facility or provider agency and all other  
7 providers of services to vulnerable persons in programs licensed or  
8 certified by any state oversight agency shall not hire such a person to  
9 have regular and substantial contact with a service recipient in any  
10 such facility or program. Other providers of services defined in subdi-  
11 vision two of this section, except providers or licensing agencies as  
12 defined in subdivision three or four of section four hundred twenty-  
13 four-a of this chapter, shall not hire such a person if the prospective  
14 employee is listed on the register of substantiated category one cases  
15 of abuse or neglect. Other providers or licensing agencies as defined in  
16 subdivision three or four of section four hundred twenty-four-a of this  
17 chapter shall determine whether to hire or allow such a person to have  
18 regular or substantial contact with a service recipient in accordance  
19 with the provisions of subdivision five of section four hundred twenty-  
20 four-a of this chapter.

21 § 2. Subdivision 7 of section 424-a of the social services law, as  
22 added by section 8 of part D of chapter 501 of the laws of 2012, is  
23 amended to read as follows:

24 7. Any facility~~[r]~~ or provider agency, ~~[or program]~~ as defined in  
25 subdivision four of section four hundred eighty-eight of this chapter,  
26 that is required to conduct an inquiry pursuant to section four hundred  
27 ninety-five of this chapter before determining whether to hire or other-  
28 wise allow any person as an employee, administrator, consultant, intern,  
29 volunteer or contractor who will have the potential for regular and  
30 substantial contact with a service recipient shall first conduct the  
31 inquiry required under such section. If the result of the inquiry under  
32 section four hundred ninety-five of this chapter is that the person  
33 about whom the inquiry is made is on the register of substantiated cate-  
34 gory one cases of abuse or neglect and ~~[the]~~ such facility or provider  
35 agency is required to deny the application in accordance with article  
36 eleven of this chapter, the facility or provider agency shall not be  
37 required to make an inquiry of the office under this section.

38 § 3. This act shall take effect one year after it shall have become a  
39 law.