

STATE OF NEW YORK

8250

2017-2018 Regular Sessions

IN ASSEMBLY

June 2, 2017

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the social services law, in relation to authorizing certain reports relating to reportable incidents involving vulnerable persons to be released to officers and employees of the state comptroller for the purposes of a duly authorized performance audit

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

1 Section 1. Paragraphs (f) and (g) of subdivision 1 of section 496 of
2 the social services law, as added by section 1 of part B of chapter 501
3 of the laws of 2012, are amended and a new paragraph (h) is added to
4 read as follows:
5 (f) the independent agency designated pursuant to subdivision (b) of
6 section five hundred fifty-eight of the executive law, provided that
7 such information is relevant to a matter within the legal authority of
8 such agency; [~~or~~]
9 (g) other persons named in the report, as defined in subdivision thirteen
10 of section four hundred eighty-eight of this article which
11 includes, but is not limited to, the service recipient's parent, guardian
12 or other person legally responsible for such person; provided, however,
13 that the names and other personally identifying information of
14 custodians and other service recipients shall not be included unless
15 such custodians and service recipients authorize disclosure. Notwithstanding
16 the prohibitions on non-redisclosure set forth in the closing
17 sentence of this subdivision, the service recipient, and such service
18 recipient's parent, guardian or other person legally responsible for
19 such service recipient may disclose information and reports made available
20 pursuant to this paragraph to an attorney, who shall not further
21 disclose except as is necessary for use by such attorney in rendering
22 advice, assistance and representation[~~-~~]; or

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

LBD11969-01-7

1 (h) officers and employees of the state comptroller, for purposes of a
2 duly authorized performance audit; provided, however, that such reports
3 shall be redacted to protect the confidentiality of the service recipi-
4 ent named in the report, the subject of the report, and any other person
5 named in the report, prior to the transmission of such reports from the
6 justice center to the state comptroller.

7 § 2. This act shall take effect immediately.