

STATE OF NEW YORK

4838

2025-2026 Regular Sessions

IN ASSEMBLY

February 6, 2025

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing a direct support professional worker registry

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

1 Section 1. Section 13.43 of the mental hygiene law, as added by chap-
2 ter 209 of the laws of 2018, is renumbered section 13.44 and a new
3 section 13.45 is added to read as follows:

4 § 13.45 Direct support professional worker registry.

5 (a) As used in this section, the following terms shall have the
6 following meanings:

7 (1) "Provider" means an entity operating with a certificate issued by
8 the commissioner pursuant to section 16.03 of this title.

9 (2) "Direct support professional worker" or "worker" means any person
10 engaged in or applying to become engaged in providing direct support
11 professional services, as defined by the office in regulation.

12 (3) "Registry" means the direct support professional worker registry.

13 (4) "Direct support professional worker education or training program"
14 or "program" means a program that provides education or training for
15 persons to meet any requirement established by the office for direct
16 support professional worker services, which is approved by the office.

17 (5) "Self-direction program" means the self-direction program imple-
18 mented by the office pursuant to 42 CFR 441 Subpart M or any successor
19 regulation.

20 (b) The office shall develop and maintain a direct support profes-
21 sional worker registry of persons who have successfully completed a
22 direct support professional worker education or training program
23 approved by the commissioner. Information in the registry shall be
24 accessible on the office's website by the public, direct support profes-
25 sional workers, persons enrolled in the self-direction program and

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

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1 providers licensed, funded, approved and/or certified by the office,
2 subject to subdivision (i) of this section.

3 (c) The registry shall include, but not be limited to, the following
4 information concerning each person who has successfully completed a
5 direct support professional worker training program that is listed in
6 the registry:

7 (1) full name, including pre-marital name and any other names current-
8 ly used or previously used;

9 (2) current home address;

10 (3) gender;

11 (4) date of birth;

12 (5) contact information;

13 (6) the name of each state-approved education or training program
14 successfully completed, the name of the entity providing the program,
15 and the date on which such program was completed;

16 (7) history of work in direct support professional services through
17 any provider entity, including dates of employment and name of such
18 entity providing the employment;

19 (8) final findings made in accordance with the provisions of statuto-
20 rily established proceedings subject to the state administrative proce-
21 dure act or other similar law, that the person engaged in physical
22 abuse, mistreatment, neglect while serving the patient as a direct
23 support professional or in another capacity, the name of the govern-
24 mental agency, case number if a number is assigned, and date of determi-
25 nation, together with any statement concerning such determination
26 submitted by the person, that may not identify any other person and may
27 not exceed one hundred fifty words; and

28 (9) a record of any determination of the department regarding the
29 approval or disapproval of a prospective employee pursuant to subdivi-
30 sion five of section eight hundred forty-five-b of the executive law,
31 together with any statement concerning such determination submitted by
32 the person, that may not identify any other person and may not exceed
33 one hundred fifty words.

34 (d) The registry shall include a comprehensive list of all state-ap-
35 proved direct support professional worker education or training programs
36 and its contact details. The list shall be updated at least monthly by
37 the office and the state education department. The office shall promptly
38 submit updated information whenever such information changes.

39 (e) (1) The office shall specify which information for the registry
40 shall be submitted and updated by the state-approved education or train-
41 ing program, direct support professional and provider, subject to the
42 provisions of this subdivision.

43 (2) Any entity that offers or provides a state-approved education or
44 training program shall provide the department the following documenta-
45 tion for every person who successfully completes any program provided by
46 the entity, in the form and manner provided by the office:

47 (i) a written sworn statement by the senior official of the entity
48 that offers or provides such program, made under penalty of perjury,
49 certifying that each person has in fact successfully completed the iden-
50 tified program, identifying each such person by name, address, date of
51 birth and date on which such program was completed, and describing the
52 nature of the education or training covered in such program; and

53 (ii) proof that such entity has verified the true identity of each
54 person who has successfully completed the identified program.

55 (f) A direct support professional employed by a provider shall only be
56 required to provide for the registry that information specified in para-

1 graphs one, two, three, four, five and six of subdivision (c) of this
2 section, and, to the best of their knowledge and recollection, paragraph
3 seven of subdivision (c) of this section.

4 (g) The registry shall be updated at least monthly. Any person or
5 entity required to provide information to the registry shall promptly
6 submit updated information whenever such information changes.

7 (h) No charges shall be imposed on any person or entity for any costs
8 related to the registry.

9 (i) (1) Members of the public may access and obtain information in the
10 registry through the department's website, except information specified
11 in paragraphs two, four and five of subdivision (c) of this section. The
12 department shall also provide toll-free telephone access for members of
13 the public to access and obtain information from the registry, except
14 information specified in paragraphs two, four and five of subdivision
15 (c) of this section.

16 (2) A direct support professional worker may access or obtain any
17 information in the worker's own listing in the registry.

18 (3) A provider entity or individual enrolled in the self-direction
19 program may access or obtain any information in the registry relating to
20 the direct support professional the provider or person is employing or
21 considering employing.

22 (4) The office shall include security mechanisms in the registry to
23 implement this subdivision and to maintain a record of accessing or
24 obtaining information from the registry by every provider entity or
25 individual enrolled in self-direction.

26 (j) The office shall provide reasonable and appropriate timetables,
27 notices and phase-in mechanisms for applying various provisions of this
28 section to state-approved education and training programs, provider
29 entities, persons becoming direct support professionals and persons
30 already employed as direct support professionals. Persons employed as
31 direct support professionals on the effective date of this section shall
32 be registered as soon as practicable, but not later than twelve months
33 after such effective date.

34 (k) The commissioner shall promulgate rules and regulations reasonably
35 necessary to implement the provisions of this section.

36 § 2. This act shall take effect June 1, 2026. Effective immediately,
37 the addition, amendment and/or repeal of any rule or regulation neces-
38 sary for the implementation of this act on its effective date are
39 authorized to be made and completed on or before such effective date.