S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. LIFTON, CHRISTENSEN, BRADLEY, HOOPER, LUPARDO, ALFANO -- Multi-Sponsored by -- M. of A. ABBATE, BARRA, BRENNAN, DESTITO, DIAZ, EDDINGTON, GUNTHER, PHEFFER, ROBINSON -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to appeals of child day care providers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subparagraph (i) of paragraph (c) of subdivision 11 of section 390 of the social services law, as added by chapter 416 of the laws of 2000, is amended to read as follows:

(i) Except as provided for in this paragraph, a child day care provider may avoid payment of a penalty imposed pursuant to this subdivision where the provider has rectified the condition resulting in the imposition of the penalty within thirty days of notification of the imposition of the penalty. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DEVELOP REGULATIONS FOR AN INFORMAL APPEALS PROCESS WHEREBY A PROVIDER WITH NO PRIOR RECORD OF VIOLATIONS MAY, WITHIN TEN DAYS OF RECEIPT OF AN INSPECTION REPORT, REQUEST A SUPERVISORY REVIEW OF SUCH REPORT. AT THE DISCRETION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, A CITATION FOR A VIOLATION MAY BE WAIVED ON THE BASIS OF INSPECTOR ERROR OR IMMEDIATE RECTIFICATION OF THE VIOLATION, AND NO RECORD SHALL APPEAR IN THE STATE CHILD DAY CARE PROVIDER DATABASE. IN NO INSTANCE, HOWEVER, SHALL THE INFORMAL APPEALS PROCESS BE AVAILABLE WHERE THE INSPECTION REPORT CITES VIOLATION OF A REGULATORY REQUIREMENT WHICH HARMS A CHILD OR PLACES A CHILD AT RISK OF DEATH, SERIOUS OR PROTRACTED DISFIGUREMENT, OR PROTRACTED IMPAIRMENT OF PHYSICAL OR EMOTIONAL HEALTH.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

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

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