

8972

2009-2010 Regular Sessions

I N A S S E M B L Y

June 17, 2009

Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to required reporting of suspected abuse of adults in certain residential care facilities licensed or operated by the state

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

1 Section 1. The mental hygiene law is amended by adding two new  
2 sections 16.30 and 31.32 to read as follows:

3 S 16.30 ABUSE HOTLINE.

4 (A) THE COMMISSIONER SHALL BE CAPABLE OF RECEIVING TELEPHONE CALLS  
5 ALLEGING PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE, OR ACTIVE, PASSIVE OR  
6 SELF NEGLECT OF ADULTS IN FACILITIES LICENSED PURSUANT TO THIS ARTICLE.  
7 TO EFFECTUATE THIS PURPOSE THERE SHALL BE A SINGLE STATEWIDE TELEPHONE  
8 NUMBER THAT ANY PERSON MAY USE TO REPORT SUCH ALLEGATIONS.

9 (B) ALLEGATIONS MADE PURSUANT TO SUBDIVISION (A) OF THIS SECTION SHALL  
10 BE IMMEDIATELY TRANSMITTED ORALLY OR ELECTRONICALLY TO THE COMMISSIONER.  
11 UPON RECEIVING SUCH ALLEGATIONS, THE COMMISSIONER SHALL ADDRESS THE  
12 MATTER PURSUANT TO SECTION 16.19 OF THIS ARTICLE. THE INABILITY OF THE  
13 PERSON REPORTING THE ABUSE TO IDENTIFY THE ALLEGED PERPETRATOR SHALL, IN  
14 NO CIRCUMSTANCE, CONSTITUTE THE SOLE CAUSE TO REJECT SUCH ALLEGATION OR  
15 FAIL TO TRANSMIT SUCH ALLEGATION FOR INVESTIGATION.

16 (C) ANY PERSON WHO IN GOOD FAITH MAKES A REPORT PURSUANT TO THIS  
17 SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, FOR  
18 HAVING MADE SUCH A REPORT.

19 S 31.32 ABUSE HOTLINE.

20 (A) THE COMMISSIONER SHALL BE CAPABLE OF RECEIVING TELEPHONE CALLS  
21 ALLEGING PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE, OR ACTIVE, PASSIVE, OR  
22 SELF NEGLECT OF ADULTS IN FACILITIES LICENSED PURSUANT TO THIS ARTICLE.

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

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1 TO EFFECTUATE THIS PURPOSE THERE SHALL BE A SINGLE STATEWIDE TELEPHONE  
2 NUMBER THAT ANY PERSON MAY USE TO REPORT SUCH ALLEGATIONS.

3 (B) ALLEGATIONS MADE PURSUANT TO SUBDIVISION (A) OF THIS SECTION SHALL  
4 BE IMMEDIATELY TRANSMITTED ORALLY OR ELECTRONICALLY TO THE COMMISSIONER.  
5 UPON RECEIVING SUCH ALLEGATIONS, THE COMMISSIONER SHALL CAUSE THE MATTER  
6 TO BE ADDRESSED PURSUANT TO SECTIONS 7.21 AND 31.11 OF THIS CHAPTER. THE  
7 INABILITY OF THE PERSON REPORTING THE ABUSE TO IDENTIFY THE ALLEGED  
8 PERPETRATOR SHALL, IN NO CIRCUMSTANCE, CONSTITUTE THE SOLE CAUSE TO  
9 REJECT SUCH ALLEGATION OR FAIL TO TRANSMIT SUCH ALLEGATION FOR INVESTI-  
10 GATION.

11 (C) ANY PERSON WHO IN GOOD FAITH MAKES A REPORT PURSUANT TO THIS  
12 SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, FOR  
13 HAVING MADE SUCH A REPORT.

14 S 2. This act shall take effect on the ninetieth day after it shall  
15 have become a law.