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

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9554

I N   A S S E M B L Y

January 15, 2010
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Introduced by M. of A. GOTTFRIED, DINOWITZ -- read once and referred to
    the Committee on Health

AN ACT to amend the social services law, in relation to death and felony
    crime reports in certain adult care facilities

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

 1   Section 1.   Section 461-m of the social services law, as amended by
 2 chapter 462 of the laws of 1996, is amended to read as follows:
 3   S 461-m. Death and felony crime reporting. The operator of an adult
 4 home, ENRICHED HOUSING PROGRAM or residence for adults shall have an
 5 affirmative duty to report any death, or attempted suicide of a resident
 6 to the department OF HEALTH within twenty-four hours of its occurrence,
 7 and shall also have an affirmative duty to report to an appropriate law
 8 enforcement authority if [it is believed that] THE OPERATOR DISCOVERS AN
 9 INCIDENT THAT THE OPERATOR BELIEVES OR REASONABLY SHOULD BELIEVE WOULD
10 CONSTITUTE a felony crime [may have been committed] against a resident
11 of such facility as soon as possible, or in any event within [forty-
12 eight] TWENTY-FOUR hours.   In addition, the operator shall send any
13 reports involving a resident who had at any time received services from
14 a mental hygiene service provider to the state commission on quality of
15 care [for the mentally disabled] AND ADVOCACY FOR PERSONS WITH DISABILI-
16 TIES WITHIN TWENTY-FOUR HOURS OF THE OCCURRENCE OF THE DEATH OR
17 ATTEMPTED SUICIDE OR OF THE DISCOVERY OF AN INCIDENT THAT THE OPERATOR
18 BELIEVED OR REASONABLY SHOULD HAVE BELIEVED TO BE A FELONY CRIME.
19   S 2. This act shall take effect on the sixtieth day after it shall
20 have become a law; provided however, that the commissioner of health may
21 adopt, amend, suspend or repeal any regulations or take other actions
22 necessary to enforce or implement the law prior to and in preparation
23 for the taking effect of the law; provided, however, such adoption,
24 amendment, suspension or repeal of regulations shall not have legal
25 effect until the law takes effect.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                     [ ] is old law to be omitted.
                                                        LBD15282-02-0