

5930

2009-2010 Regular Sessions

I N S E N A T E

June 18, 2009

Introduced by Sen. HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 ACTS REASONABLY AND IN GOOD FAITH IN MAKING A
17 REPORT PURSUANT TO THIS SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY,
18 CIVIL OR CRIMINAL, FOR 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.
23 TO EFFECTUATE THIS PURPOSE THERE SHALL BE A SINGLE STATEWIDE TELEPHONE
24 NUMBER THAT ANY PERSON MAY USE TO REPORT SUCH ALLEGATIONS.

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

LBD14053-06-9

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

9 (C) ANY PERSON WHO ACTS REASONABLY AND IN GOOD FAITH IN MAKING A
10 REPORT PURSUANT TO THIS SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY,
11 CIVIL OR CRIMINAL, FOR HAVING MADE SUCH A REPORT.

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