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

7258

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to access to criminal history records by the department of health

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

Section 1. The social services law is amended by adding a new section 461-s to read as follows:

S 461-S. ACCESS TO CRIMINAL HISTORY RECORDS. 1. SUBJECT TO RULES AND REGULATIONS OF THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE DEPARTMENT OF HEALTH SHALL HAVE ACCESS TO CRIMINAL HISTORY RECORDS MAINTAINED BY SUCH DIVISION PERTAINING TO PERSONS WHO SEEK APPROVAL OF OR RECERTIFICATION BY THE DEPARTMENT OF HEALTH TO BE OPERATORS OR ADMINISTRATORS OF ADULT CARE FACILITIES, PERSONS WHO MAY BE APPOINTED RECEIVERS OF SUCH FACILITIES PURSUANT TO THE PROVISIONS OF SECTION FOUR HUNDRED SIXTY-ONE-F OF THIS TITLE, EVERY OPERATOR AND ADMINISTRATOR OF SUCH A FACILITY AT THE TIME OF RENEWAL OF THE FACILITY'S OPERATING CERTIFICATE, OR SUCH PERSONS AS THE DEPARTMENT OF HEALTH AT ANY TIME DEEMS NECESSARY TO DETERMINE THEIR CRIMINAL HISTORIES.

2. EVERY COURT IN WHICH AN OPERATOR, ADMINISTRATOR OR RECEIVER OF AN ADULT CARE FACILITY IS CONVICTED OF A CRIME WHILE OPERATING OR ADMINISTERING SUCH A FACILITY OR WHILE AUTHORIZED TO ACT AS A RECEIVER OF SUCH A FACILITY SHALL, WITHIN TEN DAYS AFTER EITHER THE ENTRY OF A PLEA OF GUILTY, OR THE VERDICT OF THE COURT OR A JURY, NOTIFY THE DEPARTMENT OF HEALTH IN WRITING OF SUCH CONVICTION. THE DEPARTMENT OF HEALTH, AFTER RECEIPT OF SUCH NOTIFICATION OR AT ANY TIME THE DEPARTMENT OF HEALTH BECOMES AWARE OF THE CONVICTION OF SUCH PERSON, SHALL HAVE THE AUTHORITY, GRANTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, TO HAVE ACCESS TO THE CRIMINAL HISTORY RECORDS OF SUCH PERSON.

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

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3. ANY REQUEST FOR CRIMINAL HISTORY RECORDS MADE PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE ACCOMPANIED BY THE FINGERPRINTS OF THE PERSON WHO IS THE SUBJECT OF SUCH REQUEST.

S 2. This act shall take effect immediately and shall apply to persons who seek approval of the department of health to become operators or administrators of any adult care facility or seek renewal of an operating certificate for such facility or who are appointed receivers of such facilities on or after such date.