

STATE OF NEW YORK

8972--A

2009-2010 Regular Sessions

IN ASSEMBLY

June 17, 2009

Introduced by M. of A. WEISENBERG, P. RIVERA -- Multi-Sponsored by -- M. of A. PHEFFER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 PARAGRAPH ONE OF SUBDIVISION (D) OF SECTION 16.19 OF
13 THIS ARTICLE. THE INABILITY OF THE PERSON REPORTING THE ABUSE TO IDENTIFY
14 THE ALLEGED PERPETRATOR SHALL, IN NO CIRCUMSTANCE, CONSTITUTE THE
15 SOLE CAUSE TO REJECT SUCH ALLEGATION OR FAIL TO TRANSMIT SUCH ALLEGATION
16 FOR INVESTIGATION.
17 (C) ANY PERSON WHO ACTS REASONABLY AND IN GOOD FAITH IN MAKING A
18 REPORT PURSUANT TO THIS SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY,
19 CIVIL OR CRIMINAL, FOR HAVING MADE SUCH A REPORT.
20 S 31.32 ABUSE HOTLINE.

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

LBD14053-04-9

1 (A) THE COMMISSIONER SHALL BE CAPABLE OF RECEIVING TELEPHONE CALLS
2 ALLEGING PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE, OR ACTIVE, PASSIVE, OR
3 SELF NEGLECT OF ADULTS IN FACILITIES LICENSED PURSUANT TO THIS ARTICLE.
4 TO EFFECTUATE THIS PURPOSE THERE SHALL BE A SINGLE STATEWIDE TELEPHONE
5 NUMBER THAT ANY PERSON MAY USE TO REPORT SUCH ALLEGATIONS.
6 (B) ALLEGATIONS MADE PURSUANT TO SUBDIVISION (A) OF THIS SECTION SHALL
7 BE IMMEDIATELY TRANSMITTED ORALLY OR ELECTRONICALLY TO THE COMMISSIONER.
8 UPON RECEIVING SUCH ALLEGATIONS, THE COMMISSIONER SHALL CAUSE THE MATTER
9 TO BE ADDRESSED PURSUANT TO SECTIONS 7.21 AND 31.11 OF THIS CHAPTER. THE
10 INABILITY OF THE PERSON REPORTING THE ABUSE TO IDENTIFY THE ALLEGED
11 PERPETRATOR SHALL, IN NO CIRCUMSTANCE, CONSTITUTE THE SOLE CAUSE TO
12 REJECT SUCH ALLEGATION OR FAIL TO TRANSMIT SUCH ALLEGATION FOR INVESTI-
13 GATION.
14 (C) ANY PERSON WHO ACTS REASONABLY AND IN GOOD FAITH IN MAKING A
15 REPORT PURSUANT TO THIS SECTION SHALL HAVE IMMUNITY FROM ANY LIABILITY,
16 CIVIL OR CRIMINAL, FOR HAVING MADE SUCH A REPORT.
17 S 2. This act shall take effect on the ninetieth day after it shall
18 have become a law.