

2920

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 21, 2011

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Introduced by M. of A. SWEENEY, MAGNARELLI, LAVINE, PHEFFER -- Multi-Sponsored by -- M. of A. FARRELL -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to personal confidential information obtained from veterans or family members of veterans receiving services from the state and political subdivisions thereof

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

1     Section 1. The executive law is amended by adding a new section 354-e  
2     to read as follows:  
3     S 354-E. USE OF PERSONAL CONFIDENTIAL INFORMATION OBTAINED FROM VETER-  
4     ANS OR FAMILY MEMBERS OF VETERANS RECEIVING SERVICES FROM THE STATE AND  
5     POLITICAL SUBDIVISIONS THEREOF. 1. DEPARTMENTS, DIVISIONS, BUREAUS,  
6     BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS  
7     THEREOF, WHICH PROVIDE ASSISTANCE, TREATMENT, COUNSELING, CARE, SUPER-  
8     VISION OR CUSTODY IN SERVICE AREAS INVOLVING HEALTH, MENTAL HEALTH,  
9     FAMILY SERVICES, CRIMINAL JUSTICE OR EMPLOYMENT SHALL BE REQUIRED TO  
10    SOLICIT INFORMATION ON WHETHER THEIR CUSTOMER OR CLIENT IS A VETERAN AS  
11    DEFINED IN SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW OR FAMILY MEMBER  
12    OF A VETERAN. ANY NEW FORMS CREATED AFTER THE EFFECTIVE DATE OF THIS ACT  
13    SHALL CONTAIN THE FOLLOWING QUESTIONS: "HAVE YOU SERVED IN THE UNITED  
14    STATES ARMED FORCES?" "HAS SOMEONE IN YOUR FAMILY SERVED IN THE UNITED  
15    STATES MILITARY?"  
16    2. INDIVIDUALS IDENTIFYING THEMSELVES AS HAVING SERVED IN THE MILITARY  
17    OR A FAMILY MEMBER SHALL BE ADVISED THAT THE DIVISION OF VETERANS'  
18    AFFAIRS AND LOCAL VETERANS SERVICE AGENCIES ESTABLISHED PURSUANT TO  
19    SECTION THREE HUNDRED FIFTY-SEVEN OF THIS ARTICLE PROVIDE ASSISTANCE TO  
20    VETERANS REGARDING BENEFITS UNDER FEDERAL AND STATE LAW. INFORMATION  
21    REGARDING VETERANS AND MILITARY STATUS PROVIDED BY ASSISTED PERSONS  
22    SOLELY TO IMPLEMENT THIS SECTION SHALL BE PROTECTED AS PERSONAL CONFI-  
23    DENTIAL MATERIAL, AND USED ONLY TO ASSIST IN THE DIAGNOSIS, TREATMENT,

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

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1 ASSESSMENT AND HANDLING OF THE VETERAN'S OR FAMILY MEMBER'S PROBLEMS  
2 WITHIN THE AGENCY REQUESTING SUCH INFORMATION AND IN REFERRING THE  
3 VETERAN OR FAMILY MEMBER TO THE DIVISION OF VETERANS' AFFAIRS FOR THE  
4 INFORMATION AND ASSISTANCE WITH REGARD TO BENEFITS AND ENTITLEMENTS  
5 UNDER FEDERAL AND STATE LAW.

6 S 2. This act shall take effect on the ninetieth day after it shall  
7 have become a law; provided that any rules or regulations necessary for  
8 the implementation of this act on its effective date shall be promulgat-  
9 ed on or before such date.