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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

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:

Section 1. The executive law is amended by adding a new section 354-e to read as follows:

S 354-E. USE OF PERSONAL CONFIDENTIAL INFORMATION OBTAINED FROM VETERANS OR FAMILY MEMBERS OF VETERANS RECEIVING SERVICES FROM THE STATE AND POLITICAL SUBDIVISIONS THEREOF. 1. DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH PROVIDE ASSISTANCE, TREATMENT, COUNSELING, CARE, SUPERVISION OR CUSTODY IN SERVICE AREAS INVOLVING HEALTH, MENTAL HEALTH, FAMILY SERVICES, CRIMINAL JUSTICE OR EMPLOYMENT SHALL BE REQUIRED TO SOLICIT INFORMATION ON WHETHER THEIR CUSTOMER OR CLIENT IS A VETERAN AS DEFINED IN SECTION EIGHTY-FIVE OF THE CIVIL SERVICE LAW OR FAMILY MEMBER OF A VETERAN. ANY NEW FORMS CREATED AFTER THE EFFECTIVE DATE OF THIS ACT SHALL CONTAIN THE FOLLOWING QUESTIONS: "HAVE YOU SERVED IN THE UNITED STATES ARMED FORCES?" "HAS SOMEONE IN YOUR FAMILY SERVED IN THE UNITED STATES MILITARY?"

2. INDIVIDUALS IDENTIFYING THEMSELVES AS HAVING SERVED IN THE MILITARY OR A FAMILY MEMBER SHALL BE ADVISED THAT THE DIVISION OF VETERANS' AFFAIRS AND LOCAL VETERANS SERVICE AGENCIES ESTABLISHED PURSUANT TO SECTION THREE HUNDRED FIFTY-SEVEN OF THIS ARTICLE PROVIDE ASSISTANCE TO VETERANS REGARDING BENEFITS UNDER FEDERAL AND STATE LAW. INFORMATION REGARDING VETERANS AND MILITARY STATUS PROVIDED BY ASSISTED PERSONS SOLELY TO IMPLEMENT THIS SECTION SHALL BE PROTECTED AS PERSONAL CONFIDENTIAL 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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ASSESSMENT AND HANDLING OF THE VETERAN'S OR FAMILY MEMBER'S PROBLEMS WITHIN THE AGENCY REQUESTING SUCH INFORMATION AND IN REFERRING THE VETERAN OR FAMILY MEMBER TO THE DIVISION OF VETERANS' AFFAIRS FOR THE INFORMATION AND ASSISTANCE WITH REGARD TO BENEFITS AND ENTITLEMENTS UNDER FEDERAL AND STATE LAW.

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