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

565

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. GOTTFRIED, DINOWITZ -- Multi-Sponsored by -- M. of A. PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to death and felony crime reports in certain adult care facilities

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

Section 1. Section 461-m of the social services law, as amended by chapter 462 of the laws of 1996, is amended to read as follows:

S 461-m. Death and felony crime reporting. The operator of an adult home, ENRICHED HOUSING PROGRAM or residence for adults shall have an affirmative duty to report any death, or attempted suicide of a resident to the department OF HEALTH within twenty-four hours of its occurrence, and shall also have an affirmative duty to report to an appropriate law enforcement authority if [it is believed that] THE OPERATOR DISCOVERS AN INCIDENT THAT THE OPERATOR BELIEVES OR REASONABLY SHOULD BELIEVE WOULD CONSTITUTE a felony crime [may have been committed] against a resident of such facility as soon as possible, or in any event within [forty-eight] TWENTY-FOUR hours. In addition, the operator shall send any reports involving a resident who had at any time received services from a mental hygiene service provider to the state commission on quality of care [for the mentally disabled] AND ADVOCACY FOR PERSONS WITH DISABILITIES WITHIN TWENTY-FOUR HOURS OF THE OCCURRENCE OF THE DEATH OR ATTEMPTED SUICIDE OR OF THE DISCOVERY OF AN INCIDENT THAT THE OPERATOR BELIEVED OR REASONABLY SHOULD HAVE BELIEVED TO BE A FELONY CRIME.

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided however, that the commissioner of health may adopt, amend, suspend or repeal any regulations or take other actions necessary to enforce or implement the law prior to and in preparation for the taking effect of the law; provided, however, such adoption, amendment, suspension or repeal of regulations shall not have legal effect until the law takes effect.

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

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