

5299

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing a statewide central registry of employees of mental health and developmental disability facilities terminated from employment for abuse, neglect or mistreatment

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 a new section
2 5.11 to read as follows:
3 S 5.11 STATEWIDE CENTRAL REGISTRY OF EMPLOYEES TERMINATED FOR ABUSE,
4 NEGLECT OR MISTREATMENT.
5 (A) THE COMMISSIONERS OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
6 SHALL JOINTLY ESTABLISH AND MAINTAIN, WITHIN THE DEPARTMENT, A STATEWIDE
7 CENTRAL REGISTRY OF PERSONS, WHO ARE OR WERE SUBJECT TO A CRIMINAL BACK-
8 GROUND HISTORY CHECK PURSUANT TO LAW, AND WHO WERE TERMINATED FROM
9 EMPLOYMENT BY ANY FACILITY LICENSED, REGISTERED OR CERTIFIED BY THE
10 OFFICE OF MENTAL HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL
11 DISABILITIES ON THE BASIS OF ABUSE, NEGLECT OR MISTREATMENT. THE REGIS-
12 TRY SHALL MAINTAIN SUCH INFORMATION AS THE COMMISSIONERS OF MENTAL
13 HEALTH AND DEVELOPMENTAL DISABILITIES SHALL REQUIRE INCLUDING THE NAME,
14 ADDRESS, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF THE PERSON TERMI-
15 NATED FROM EMPLOYMENT; THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE
16 TERMINATING FACILITY; THE DATE AND REASONS FOR TERMINATION; AND THE
17 TYPES AND DISPOSITIONS OF ALL PROCEEDINGS AGAINST SUCH PERSON RELATED TO
18 THE TERMINATION OF EMPLOYMENT.
19 (B) EACH FACILITY SHALL TRANSMIT THE REQUISITE INFORMATION TO THE
20 REGISTRY NOT LATER THAN THE FIFTEENTH CALENDAR DAY FOLLOWING TERMINATION
21 OF EMPLOYMENT OF ANY PERSON FOR ABUSE, NEGLECT OR MISTREATMENT.

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

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1 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, EVERY
2 FACILITY LICENSED, REGISTERED OR CERTIFIED BY THE OFFICE OF MENTAL
3 HEALTH OR THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES SHALL
4 HAVE ACCESS TO THE INFORMATION IN THE REGISTRY FOR THE PURPOSE OF MAKING
5 INQUIRES RELATING TO PERSONS EMPLOYED OR APPLYING FOR EMPLOYMENT AT SUCH
6 FACILITY.

7 (D) THE INFORMATION REQUIRED TO BE SUBMITTED PURSUANT TO THIS SECTION
8 WHICH IS REQUIRED TO BE KEPT CONFIDENTIAL SHALL ONLY BE DISCLOSED PURSU-
9 ANT TO THE PROVISIONS OF THIS SECTION.

10 S 2. This act shall take effect on the first of January next succeed-
11 ing the date on which it shall have become a law.