

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

2920

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:

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 CONFIDENTIAL
23 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.

LBD02941-01-1

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.