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

5042

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed 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 or residence for adults shall have an affirmative duty to report any [death, or] attempted suicide of a resident, OR ANY DEATH OCCURRING FOR REASONS OTHER THAN THE NATURAL COURSE OF ILLNESS OR DISEASE, to the department [within twenty-four hours] ON THE NEXT BUSINESS DAY OF LEARNING of its occurrence, and shall also have an affirmative duty to report to an appropriate law enforcement authority WITHIN FORTY-EIGHT HOURS if [it] THERE is [believed that] a [felony crime may have been committed against a resident of such facility as soon as possible, or in any event within forty-eight hours] COMPLAINT OR EVIDENCE OF RESIDENT ABUSE, A RESIDENT ASSAULTS OR INJURES, OR IS ASSAULTED OR INJURED BY ANOTHER RESIDENT, STAFF OR OTHERS, OR THERE IS A REASONABLE CAUSE TO BELIEVE THAT A RESIDENT'S PERSONAL PROPERTY VALUED AT MORE THAN TWO HUNDRED FIFTY DOLLARS HAS BEEN MISAPPROPRIATED. THE OPERATOR OR THE RESIDENT MAY ELECT TO MAKE SUCH NOTIFICATION WHEN THE RESIDENT'S PERSONAL PROPERTY IS VALUED AT LESS THAN THAT AMOUNT. 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 AND ADVOCACY for [the mentally disabled] PERSONS WITH DISABILITIES.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.

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

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