

5476

2013-2014 Regular Sessions

I N A S S E M B L Y

February 28, 2013

Introduced by M. of A. CYMBROWITZ -- read once and referred to the
Committee on Health

AN ACT to amend the public health law and social services law, in
relation to requiring the review of the criminal history of prospec-
tive employees of adult care facilities

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

1 Section 1. Subdivision 6 of section 2899 of the public health law, as
2 amended by chapter 331 of the laws of 2006, is amended to read as
3 follows:
4 6. "Provider" shall mean any residential health care facility licensed
5 under article twenty-eight of this chapter; or any certified home health
6 agency, licensed home care services agency or long term home health care
7 program certified under article thirty-six of this chapter; OR ANY ADULT
8 CARE FACILITY LICENSED UNDER ARTICLE SEVEN OF THE SOCIAL SERVICES LAW.
9 S 2. Paragraph (a) of subdivision 9 of section 2899-a of the public
10 health law, as amended by chapter 331 of the laws of 2006, is amended to
11 read as follows:
12 (a) In the event that funds are appropriated in any given fiscal year
13 for the reimbursement for the costs of providing such criminal history
14 information, reimbursement shall be made available in an equitable and
15 direct manner for the projected cost of the fee established pursuant to
16 law by the division of criminal justice services for processing a crimi-
17 nal history information check, the fee imposed by the federal bureau of
18 investigation for a national criminal history check, and costs associ-
19 ated with obtaining the fingerprints to all providers licensed, but not
20 certified under article thirty-six of this chapter, AND ALL ADULT CARE
21 FACILITIES LICENSED UNDER ARTICLE SEVEN OF THE SOCIAL SERVICES LAW,
22 including those that are subject to this article and are unable to
23 access direct reimbursement from state and/or federal funded health
24 programs.

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

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1 S 3. Section 2899-a of the public health law is amended by adding a
2 new subdivision 13 to read as follows:

3 13. ANY PROVIDER MAY APPLY TO THE DEPARTMENT TO UTILIZE AN ALTERNATIVE
4 METHOD OF OBTAINING AND REVIEWING CRIMINAL HISTORY INFORMATION OF
5 PROSPECTIVE EMPLOYEES. THE DEPARTMENT MAY APPROVE SUCH AN ALTERNATIVE
6 METHOD IF IT DETERMINES, IN ITS DISCRETION, THAT SUCH ALTERNATIVE METHOD
7 WILL RESULT IN THE DISCLOSURE AND REVIEW OF ALL RELEVANT CRIMINAL HISTO-
8 RY INFORMATION OF A PROSPECTIVE EMPLOYEE.

9 S 4. The social services law is amended by adding a new section 461-t
10 to read as follows:

11 S 461-T. REVIEW OF CRIMINAL HISTORY INFORMATION CONCERNING PROSPECTIVE
12 DIRECT CARE EMPLOYEES. EVERY ADULT CARE FACILITY SHALL CONDUCT A CRIMI-
13 NAL HISTORY RECORD CHECK OF PROSPECTIVE DIRECT CARE EMPLOYEES UTILIZING
14 THE PROCEDURES AND STANDARDS SET FORTH IN ARTICLE TWENTY-EIGHT-E OF THE
15 PUBLIC HEALTH LAW.

16 S 5. This act shall take effect on the ninetieth day after it shall
17 have become a law, and the department of health is authorized and
18 directed to promulgate, amend and/or repeal, on an emergency basis, any
19 rules and regulations necessary to implement the provisions of this act.