

5476--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 28, 2013

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Introduced by M. of A. CYMBROWITZ, HEVESI, BRINDISI, BROOK-KRASNY, ROSENTHAL -- Multi-Sponsored by -- M. of A. LUPINACCI -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 criminal  
17 history information check, the fee imposed by the federal bureau of  
18 investigation for a national criminal history check, and costs associated  
19 with obtaining the fingerprints to all providers licensed, but not

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

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1 certified under article thirty-six of this chapter, AND ALL ADULT CARE  
2 FACILITIES LICENSED UNDER ARTICLE SEVEN OF THE SOCIAL SERVICES LAW,  
3 including those that are subject to this article and are unable to  
4 access direct reimbursement from state and/or federal funded health  
5 programs.

6 S 3. The social services law is amended by adding a new section 461-t  
7 to read as follows:

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

13 S 4. This act shall take effect the first of January next succeeding  
14 the date on which it shall have become a law. Effective immediately,  
15 the department of health is authorized and directed to promulgate, amend  
16 and/or repeal, on an emergency basis, any rules and regulations neces-  
17 sary to implement the provisions of this act.