

4861

2013-2014 Regular Sessions

I N S E N A T E

April 26, 2013

Introduced by Sen. CARLUCCI -- (at request of the Commission on Quality of Care and Advocacy for Persons with Disabilities) -- 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 and the social services law, in relation to making technical changes to the protection of people with special needs act

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

1 Section 1. Subdivision (a) of section 31.35 of the mental hygiene law,
2 as amended by chapter 575 of the laws of 2004, is amended to read as
3 follows:
4 (a) Every provider of services who contracts with or is approved or
5 otherwise authorized by the office to provide services, except (1) a
6 department facility, (2) a hospital as defined in article twenty-eight
7 of the public health law, or (3) a licensed professional under title
8 eight of the education law who does not have employees or volunteers who
9 will have regular and substantial unsupervised or unrestricted physical
10 contact with the clients of such provider, and every applicant to be
11 such a provider of services except (i) a department facility, (ii) a
12 hospital as defined in article twenty-eight of the public health law, or
13 (iii) a licensed professional under title eight of the education law who
14 does not have employees or volunteers who will have regular and substan-
15 tial unsupervised or unrestricted physical contact with the clients of
16 such provider, shall request that the [office] JUSTICE CENTER FOR THE
17 PROTECTION OF PEOPLE WITH SPECIAL NEEDS check, and upon such request
18 [the office] SUCH JUSTICE CENTER shall request and shall be authorized
19 to receive from the division of criminal justice services criminal
20 history information, as such phrase is defined in paragraph (c) of
21 subdivision one of section eight hundred forty-five-b of the executive
22 law, concerning each prospective operator, employee or volunteer of such

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

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1 provider who will have regular and substantial unsupervised or unre-
2 stricted physical contact with the clients of such provider. For
3 purposes of this section, "operator" shall include any natural person
4 with an ownership interest in the provider of services.

5 S 2. Paragraph (e) of subdivision 4 of section 488 of the social
6 services law, as added by section 1 of part B of chapter 501 of the laws
7 of 2012, is amended to read as follows:

8 (e) the New York state school for the blind and the New York state
9 school for the deaf, which operate pursuant to articles eighty-seven and
10 eighty-eight of the education law; an institution for the instruction of
11 the deaf and the blind which has a residential component and is subject
12 to the visitation of the commissioner of education pursuant to article
13 eighty-five of the education law with respect to its day and residential
14 components; special act school districts serving students with disabili-
15 ties; or in-state private schools which have been approved by the
16 commissioner of education for special education services or programs,
17 and which have a residential program[, including a school approved on a
18 child-specific basis for emergency interim placements pursuant to
19 governing state regulations, with respect to its day and residential
20 components].

21 S 3. This act shall take effect on the same date and in the same
22 manner as part A of chapter 501 of the laws of 2012, as amended, takes
23 effect, provided that section two of this act shall take effect on the
24 same date and in the same manner as part B of chapter 501 of the laws of
25 2012, as amended, takes effect.