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

2658--A

Cal. No. 245

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. WEPRIN, CUSICK, MARKEY, BENEDETTO, KAVANAGH, SCHIMEL, ABINANTI -- Multi-Sponsored by -- M. of A. FARRELL, PERRY, TITONE -- read once and referred to the Committee on Governmental Operations -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to requiring counties to maintain a confidential registry of people of all ages with disabilities for evacuation and sheltering during disasters

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

Section 1. Section 23-a of the executive law, as added by chapter 658 of the laws of 1996, is amended to read as follows:

S 23-a. [County] CONFIDENTIAL COUNTY registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES, AS THAT TERM IS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION TWO HUNDRED NINETY-TWO OF THIS CHAPTER; notice. 1. In each county having a local [disaster preparedness] COMPREHENSIVE EMERGENCY MANAGEMENT plan pursuant to section twenty-three of this article, in order to meet the special needs of persons OF ALL AGES WITH DISABILITIES who would need assistance during evacuations and sheltering because of physical or mental [handicaps] DISABILITIES, it [is recommended] SHALL BE REQUIRED that each chief executive maintain a CONFIDENTIAL registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES located within the county. PEOPLE OF ALL AGES WITH DISABILITIES SHALL BE GIVEN THE OPTION TO BE INCLUDED IN THE REGISTRY. The [registration] REGISTRY shall identify those persons in need of assistance and plan for resource allocation to meet those identified needs. To assist the chief executive in identifying such persons, the county department of health, [or] AND THE COUNTY DEPARTMENT OF SOCIAL SERVICES, THE COUNTY DEPARTMENT OF MENTAL HEALTH, such other county department or

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

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agency as designated by the chief executive, shall provide [voluntary] INFORMATION ABOUT THE REGISTRY AND THE registration [information] PROCESS to all of its [special needs clients] CONSUMERS OF ALL AGES WITH DISABILITIES and to all incoming [clients] CONSUMERS as part of the intake process. The registry shall be updated annually. The registration program shall give [disabled persons] SUCH PEOPLE OF ALL AGES WITH DISABILITIES the option of pre-authorizing emergency response personnel to enter their homes during search and rescue operations if necessary to assure their safety and welfare during disasters.

2. Upon the establishment of a [voluntary] CONFIDENTIAL registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section, the chief executive shall make such registry available to the appropriate county, state and federal agencies for their use in delivering services in the event of a local or state disaster. The chief executive shall, upon [the] request [of the state emergency management office], provide such registry information to [such] THE STATE EMERGENCY MANAGEMENT office, PROVIDED THAT THE CONFIDENTIALITY OF SUCH INFORMATION IS PRESERVED. The chief executive may, at his OR HER discretion, use the registry information for local disaster preparedness [only] in coordination with other political subdivisions of the state, PROVIDED THAT THE CONFIDENTIALITY OF SUCH INFORMATION IS PRESERVED.

3. Upon the establishment of a [voluntary] CONFIDENTIAL registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section, [at least semi-annually,] each chief executive shall ANNUALLY cause to be published in a newspaper of general circulation within the county a notice of the availability of the [voluntary] registration program AND EACH CHIEF EXECUTIVE SHALL, IN HIS OR HER DISCRETION, ALSO PROVIDE INFORMATION ABOUT THE REGISTRY AND THE REGISTRATION PROCESS TO OTHER FORMS OF MEDIA, AND SHALL FURTHER ENSURE THAT INFORMATION ABOUT THE REGISTRY AND THE REGISTRATION PROCESS IS AVAILABLE ON THE WEBSITE OF SUCH COUNTY.

4. All records, data, information, correspondence and communications relating to the registration of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES as provided in subdivision one of this section are confidential, except that such information shall be available to other county chief executives for local disaster preparedness only as the chief executive of the county maintaining such registry deems necessary. Provided, however, the individual file of a person having registered with the CONFIDENTIAL registry of [disabled persons] PEOPLE OF ALL AGES WITH DISABILITIES shall be made available to that person upon request.

5. All community-based services providers, including home health care providers, shall assist the chief executive by collecting CONFIDENTIAL registration information for people [with special needs] OF ALL AGES WITH DISABILITIES WHO CHOOSE TO PROVIDE SUCH INFORMATION as part of program intake processes, establishing programs to increase the awareness of the registration process, and educating [clients] CONSUMERS about the procedures that may be necessary for their safety during disasters.

6. A county shall not be liable for any claim based upon the REASONABLE, good faith exercise or performance or the REASONABLE, good faith failure to exercise or perform a function or duty on the part of any officer or employee in carrying out a local disaster preparedness plan.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.