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I N   S E N A T E

March 7, 2016

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Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the social services law, in relation to providing protective services to certain individuals

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

1     Section 1. Subdivision 1 of section 473 of the social services law, as  
2     amended by chapter 395 of the laws of 1995, is amended to read as  
3     follows:  
4     1. In addition to services provided by social services officials  
5     pursuant to other provisions of this chapter, such officials shall  
6     provide protective services in accordance with federal and state regu-  
7     lations to or for individuals without regard to income who[, because of  
8     mental or physical impairments,] are unable to manage their own  
9     resources, carry out the activities of daily living, or protect them-  
10    selves from physical abuse, sexual abuse, emotional abuse, active,  
11    passive or self neglect, financial exploitation or other hazardous situ-  
12    ations without assistance from others and have no one available who is  
13    willing and able to assist them responsibly. Such services shall  
14    include:  
15    (a) receiving and investigating reports of seriously impaired individ-  
16    uals who may be in need of protection;  
17    (b) arranging for medical and psychiatric services to evaluate and  
18    whenever possible to safeguard and improve the circumstances of those  
19    with serious impairments;  
20    (c) arranging, when necessary, for commitment, guardianship, or other  
21    protective placement of such individuals either directly or through  
22    referral to another appropriate agency, provided, however, that where  
23    possible, the least restrictive of these measures shall be employed  
24    before more restrictive controls are imposed;  
25    (d) providing services to assist such individuals to move from situ-  
26    ations which are, or are likely to become, hazardous to their health and  
27    well-being;

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

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1 (e) cooperating and planning with the courts as necessary on behalf of  
2 individuals with serious mental impairments; and

3 (f) other protective services for adults included in the regulations  
4 of the department.

5 S 2. Section 473 of the social services law is amended by adding a new  
6 subdivision 9 to read as follows:

7 9. (A) WITHIN AMOUNTS APPROPRIATED THEREFOR, THE OFFICE OF CHILDREN  
8 AND FAMILY SERVICES, IN CONJUNCTION WITH THE OFFICE FOR THE AGING, THE  
9 DEPARTMENT OF LAW, THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE,  
10 THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND THE NEW YORK STATE  
11 DEPARTMENT OF HEALTH, SHALL CREATE AND ESTABLISH AN INTERAGENCY CLEAR-  
12 INGHOUSE FOR THE REPORTING OF CASES INVOLVING PHYSICAL ABUSE, SEXUAL  
13 ABUSE, EMOTIONAL ABUSE, ACTIVE, PASSIVE OR SELF NEGLECT, FINANCIAL  
14 EXPLOITATION AS DEFINED IN SUBDIVISION SIX OF THIS SECTION, OR OTHER  
15 HAZARDOUS SITUATIONS THAT CAN REASONABLY BE EXPECTED TO JEOPARDIZE THE  
16 HEALTH AND WELFARE OF AN INDIVIDUAL. THE INTERAGENCY CLEARINGHOUSE SHALL  
17 OPERATE AND MAINTAIN A CENTRAL DATABASE TO RECEIVE REPORTS OF ALLEGA-  
18 TIONS OF REPORTABLE INCIDENTS TWENTY-FOUR HOURS PER DAY, SEVEN DAYS A  
19 WEEK. REPORTS OF ALLEGATIONS OF REPORTABLE INCIDENTS SHALL BE SUBMITTED,  
20 BY A STATEWIDE, TOLL-FREE TELEPHONE NUMBER (A "HOTLINE") OR BY ELECTRON-  
21 IC TRANSMISSION, IN A MANNER AND ON FORMS PRESCRIBED BY THE COMMISSIONER  
22 FOR THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE HOTLINE SHALL ACCEPT  
23 ANONYMOUS CALLS.

24 (B) WHEN ANY ALLEGATION THAT COULD REASONABLY CONSTITUTE A REPORTABLE  
25 INCIDENT IS RECEIVED BY THE CLEARINGHOUSE, THE CLEARINGHOUSE SHALL  
26 ACCEPT AND IMMEDIATELY TRANSMIT NOTICE OF THE REPORT ORALLY AND ELEC-  
27 TRONICALLY TO ANY APPROPRIATE STATE AGENCIES OR LOCAL SOCIAL SERVICES  
28 OFFICES. WHENEVER A TELEPHONE CALL OR ELECTRONIC TRANSMISSION TO THE  
29 CLEARINGHOUSE ALLEGES AN ACT OR CIRCUMSTANCES THAT MAY CONSTITUTE A  
30 CRIMINAL OFFENSE OR AN IMMEDIATE THREAT TO AN INDIVIDUAL'S HEALTH, SAFE-  
31 TY OR WELFARE, THE CLEARINGHOUSE SHALL CONVEY, BY THE MOST EXPEDIENT  
32 MEANS AVAILABLE, THE INFORMATION CONTAINED IN SUCH CALL OR TRANSMISSION  
33 TO THE APPROPRIATE LAW ENFORCEMENT AGENCY OR DISTRICT ATTORNEY AND, TO  
34 THE EXTENT NECESSARY, THE APPROPRIATE EMERGENCY RESPONDER, AND THE RELE-  
35 VANT STATE AGENCY OR LOCAL SOCIAL SERVICES OFFICE.

36 (C) THE CLEARINGHOUSE SHALL:

37 (1) UPON ACCEPTANCE OF A REPORT PROMPTLY FORWARD THE COMPLAINT TO THE  
38 APPROPRIATE SOCIAL SERVICES AGENCY OR LAW ENFORCEMENT ENTITY;

39 (2) TAKE ALL APPROPRIATE MEASURES TO PROTECT THE LIFE AND HEALTH OF  
40 THE PERSON WHO IS THE ALLEGED VICTIM OF A REPORTABLE INCIDENT, WHICH MAY  
41 INCLUDE WORKING WITH OTHER STATE AGENCIES, OR IF THERE IS REASONABLE  
42 CAUSE TO BELIEVE THAT THERE IS AN IMMINENT DANGER TO THE ALLEGED VICTIM  
43 PROMPTLY FORWARD THE COMPLAINT TO THE DISTRICT ATTORNEY OR LAW ENFORCE-  
44 MENT;

45 (3) IF A REPORT OF A REPORTABLE INCIDENT TO THE REGISTRY INVOLVES THE  
46 DEATH OF A PERSON, THE CLEARINGHOUSE SHALL GIVE TELEPHONE NOTICE AND  
47 IMMEDIATELY SEND A COPY OF THE REPORT TO THE APPROPRIATE DISTRICT ATTOR-  
48 NEY AND TO THE MEDICAL EXAMINER OR CORONER;

49 (4) MAINTAIN AND KEEP UP TO DATE RECORDS OF ALL INCIDENTS REPORTED TO  
50 THE CLEARINGHOUSE WITH DOCUMENTED MEASURES TAKEN TO FORWARD TO THE  
51 APPROPRIATE AUTHORITIES GIVEN THE CIRCUMSTANCES OF THE ALLEGED CASE.  
52 LOCAL SOCIAL SERVICES ENTITIES SHALL BE REQUIRED TO SUBMIT DOCUMENTATION  
53 TO THE CLEARINGHOUSE UPON COMPLETION OF AN INVESTIGATION INDICATING  
54 OFFICIAL FINDINGS, MEASURES TAKEN, AND OFFICIAL DISPOSITION OF THE  
55 REPORT; AND

1 (5) WHENEVER A TELEPHONE CALL OR ELECTRONIC TRANSMISSION TO THE CLEAR-  
2 INGHOUSE CANNOT BE ACCEPTED AS A REPORT, BUT THE INFORMATION PROVIDED  
3 ALLEGES OTHER POTENTIAL WRONGDOING, THE CLEARINGHOUSE SHALL FORWARD THE  
4 REPORT TO THE APPLICABLE STATE OVERSIGHT AGENCY FOR INVESTIGATION AND  
5 PROTECTIVE ACTIONS.

6 (D) THE REGISTRY SHALL MAINTAIN AN ELECTRONIC DATABASE OF ALL ACCEPTED  
7 REPORTS. WHILE LOCAL AGENCIES SHALL RETAIN THE PRIMARY RESPONSIBILITY  
8 FOR INVESTIGATION AND THE PROVISION OF SERVICES, THE CLEARINGHOUSE SHALL  
9 MAINTAIN RECORDS DOCUMENTING INITIAL COMPLAINTS AS WELL AS DOCUMENTATION  
10 SUBMITTED BY THE LOCAL SOCIAL SERVICE ENTITIES INDICATING OFFICIAL FIND-  
11 INGS, MEASURES TAKEN, AND THE OFFICIAL DISPOSITION OF THE REPORT.

12 (E) THE CLEARINGHOUSE SHALL TAKE REASONABLE STEPS TO MAINTAIN CONFI-  
13 DENTIALITY OF ALL REPORTS INCLUDING, BUT NOT LIMITED TO THE USE OF A  
14 UNIQUE IDENTIFIER ASSIGNED TO EACH REPORT BY THE CLEARINGHOUSE.

15 S 3. This act shall take effect on the ninetieth day after it shall  
16 have become a law.