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

7468

I N S E N A T E

May 4, 2016

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT establishing a task force to examine and evaluate the operations of the justice center for the protection of people with special needs; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. There is hereby created a task force to examine and evaluate the operations of the justice center for the protection of people with special needs as established in article 20 of the executive law.

S 2. The task force shall consist of twelve members, four of which shall be appointed by the governor, four of which shall be appointed by the temporary president of the senate and four of which shall be appointed by the speaker of the assembly. All members shall be appointed on the basis of their professional and personal knowledge in the care and treatment of and in the provision of services, supports, and advocacy to and on behalf of service recipients, as defined in subdivision nine of section four hundred eighty-eight of the social services law, and individuals with disabilities, or their active interest in the system of services for such service recipients or individuals with disabilities. The task force may include, but need not be limited to:

(a) members of boards of visitors appointed pursuant to articles seven and thirteen of the mental hygiene law;

(b) consumer representatives, including current or former service recipients of an applicable facility or provider agency;

(c) parents, relatives or guardians of such service recipients;

(d) providers of services to vulnerable persons;

(e) directors of facilities, community services or members of community service boards;

(f) current and former consumers of services or members of community service boards;

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

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(g) current and former consumers of services for individuals with physical disabilities;

(h) members of organizations that advocate on behalf of vulnerable persons and individuals with disabilities; and

(i) employees of a facility or provider agency as defined in subdivision four of section four hundred eighty-eight of the social services law.

S 3. The task force shall review the mission and operations of the justice center for the protection of people with special needs, the validity of claims of abuse and neglect and the appropriateness of prosecutorial actions. This review shall also include but not be limited to:

(a) ensuring that allegations of abuse and neglect are valid and if so have been promptly and fully investigated;

(b) reviewing common standards and requirements for investigators;

(c) ensuring that individuals who are responsible for abuse and neglect have been held accountable;

(d) reviewing all prosecutorial conduct and ensuring all prosecutions were valid and within the mission of the agency;

(e) reviewing the register of names of individuals found responsible for acts of abuse or neglect and whether such individuals have been barred from employment in the care of people with special needs; and

(f) reviewing investigations and procedures related to cases involving death.

S 4. The task force shall make a preliminary report to the governor and the legislature of its findings, conclusions and recommendations not later than six months after the effective date of this act, and a final report of its findings, conclusions and recommendations, not later than one year after the effective date of this act and shall submit with its reports legislative proposals as it deems necessary to implement its recommendations.

S 5. This act shall take effect on the sixtieth day after it shall have become a law and shall expire eighteen months after it shall have become a law when upon such date the provisions of this act shall be deemed repealed.