

# STATE OF NEW YORK

2702

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. GOTTFRIED, DINOWITZ, JAFFEE, ROSENTHAL, AUBRY, RODRIGUEZ, QUART, SEPULVEDA -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to death and felony crime reports in certain adult care facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 461-m of the social services law, as amended by  
2 section 14 of part D of chapter 501 of the laws of 2012, is amended to  
3 read as follows:

4 § 461-m. Death and felony crime reporting. The operator of an adult  
5 home, enriched housing program or residence for adults shall have an  
6 affirmative duty to report any death, or attempted suicide of a resident  
7 to the department of health within twenty-four hours of its occurrence,  
8 and shall also have an affirmative duty to report to an appropriate law  
9 enforcement authority if [~~it is believed that~~] the operator discovers an  
10 incident that the operator believes or reasonably should believe would  
11 constitute a felony crime [~~may have been committed~~] against a resident  
12 of such facility as soon as possible, or in any event within [~~forty-~~  
13 ~~eight~~] twenty-four hours. In addition, [~~the~~] any operator of a facility  
14 defined in section four hundred eighty-eight of this chapter that is  
15 subject to this section, shall, in addition, send any reports involving  
16 a resident who had at any time received services from a mental hygiene  
17 service provider to the justice center for the protection of people with  
18 special needs within twenty-four hours of the occurrence of the death or  
19 attempted suicide or of the discovery of an incident that the operator  
20 believed or reasonably should have believed to be a felony crime.

21 § 2. This act shall take effect on the sixtieth day after it shall  
22 have become a law; provided however, that the commissioner of health may  
23 adopt, amend, suspend or repeal any regulations or take other actions  
24 necessary to enforce or implement the law prior to and in preparation  
25 for the taking effect of the law; and provided further that such  
26 adoption, amendment, suspension or repeal of regulations shall not have  
27 legal effect until the law takes effect.

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

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