STATE OF NEW YORK

2154

2017-2018 Regular Sessions

IN SENATE

January 12, 2017

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:

Section 1. Subdivision 1 of section 473 of the social services law, as amended by chapter 395 of the laws of 1995, is amended to read as follows:

1. In addition to services provided by social services officials pursuant to other provisions of this chapter, such officials shall provide protective services in accordance with federal and state regulations to or for individuals without regard to income who[~~, because of mental or physical impairments,~~] are unable to manage their own resources, carry out the activities of daily living, or protect themselves from physical abuse, sexual abuse, emotional abuse, active, passive or self neglect, financial exploitation or other hazardous situations without assistance from others and have no one available who is willing and able to assist them responsibly. Such services shall include:

(a) receiving and investigating reports of seriously impaired individuals who may be in need of protection;

(b) arranging for medical and psychiatric services to evaluate and whenever possible to safeguard and improve the circumstances of those with serious impairments;

(c) arranging, when necessary, for commitment, guardianship, or other protective placement of such individuals either directly or through referral to another appropriate agency, provided, however, that where possible, the least restrictive of these measures shall be employed before more restrictive controls are imposed;

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

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(d) providing services to assist such individuals to move from situations which are, or are likely to become, hazardous to their health and well-being;

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

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

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

9. (a) Within amounts appropriated therefor, the office of children and family services, in conjunction with the office for the aging, the department of law, the office for the prevention of domestic violence, the division of criminal justice services, and the New York state department of health, shall create and establish an interagency clearinghouse for the reporting of cases involving physical abuse, sexual abuse, emotional abuse, active, passive or self neglect, financial exploitation as defined in subdivision six of this section, or other hazardous situations that can reasonably be expected to jeopardize the health and welfare of an individual. The interagency clearinghouse shall operate and maintain a central database to receive reports of allegations of reportable incidents twenty-four hours per day, seven days a week. Reports of allegations of reportable incidents shall be submitted, by a statewide, toll-free telephone number (a "hotline") or by electronic transmission, in a manner and on forms prescribed by the commissioner for the office of children and family services. The hotline shall accept anonymous calls.

(b) When any allegation that could reasonably constitute a reportable incident is received by the clearinghouse, the clearinghouse shall accept and immediately transmit notice of the report orally and electronically to any appropriate state agencies or local social services offices. Whenever a telephone call or electronic transmission to the clearinghouse alleges an act or circumstances that may constitute a criminal offense or an immediate threat to an individual's health, safety or welfare, the clearinghouse shall convey, by the most expedient means available, the information contained in such call or transmission to the appropriate law enforcement agency or district attorney and, to the extent necessary, the appropriate emergency responder, and the relevant state agency or local social services office.

(c) The clearinghouse shall:

(1) upon acceptance of a report promptly forward the complaint to the appropriate social services agency or law enforcement entity;

(2) take all appropriate measures to protect the life and health of the person who is the alleged victim of a reportable incident, which may include working with other state agencies, or if there is reasonable cause to believe that there is an imminent danger to the alleged victim promptly forward the complaint to the district attorney or law enforcement;

(3) if a report of a reportable incident to the registry involves the death of a person, the clearinghouse shall give telephone notice and immediately send a copy of the report to the appropriate district attorney and to the medical examiner or coroner;

(4) maintain and keep up to date records of all incidents reported to the clearinghouse with documented measures taken to forward to the appropriate authorities given the circumstances of the alleged case. Local social services entities shall be required to submit documentation to the clearinghouse upon completion of an investigation indicating

official findings, measures taken, and official disposition of the report; and

(5) whenever a telephone call or electronic transmission to the clearinghouse cannot be accepted as a report, but the information provided alleges other potential wrongdoing, the clearinghouse shall forward the report to the applicable state oversight agency for investigation and protective actions.

(d) The registry shall maintain an electronic database of all accepted reports. While local agencies shall retain the primary responsibility for investigation and the provision of services, the clearinghouse shall maintain records documenting initial complaints as well as documentation submitted by the local social service entities indicating official findings, measures taken, and the official disposition of the report.

(e) The clearinghouse shall take reasonable steps to maintain confidentiality of all reports including, but not limited to the use of a unique identifier assigned to each report by the clearinghouse.

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