STATE OF NEW YORK

3461

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

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

AN ACT to amend the mental hygiene law, in relation to safeguarding cash accounts for people with developmental disabilities in a facility

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

Section 1. Subdivision (f) of section 16.11 of the mental hygiene law is relettered subdivision (g) and a new subdivision (f) is added to read as follows:

(f) The commissioner shall provide for the oversight of facilities and providers of services holding operating certificates pursuant to section 16.03 of this article by:

(1) developing a statewide policy mandating audits for residents' cash accounts including the frequency of the audits, who is responsible for conducting the audits, and policies and procedures for how the audits will be conducted;

(2) developing a uniform system for audits of residents' cash accounts to assist supervisors in audits;

(3) providing training directly to anyone required to conduct audits of residents' cash accounts, including information regarding audit policies and practices of residents' cash accounts;

(4) authorizing the use of bank and debit cards for all residents' cash accounts;

(5) developing a policy on the purchase and use of gift cards by or on behalf of residents, including, but not limited to, requirements that supervisory staff include gift cards in residents' personal expenditure plans and notification to supervisors of the purchase or delivery of a gift card to a resident; and

(6) prohibiting the use of self-generated receipts as evidence of a meal purchased by cash custodians for meals outside the residence.

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

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§ 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.