STATE OF NEW YORK

5446

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sen. CARLUCCI -- (at request of the State Comptroller) -- 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 social services law, in relation to authorizing certain reports relating to reportable incidents involving vulnerable persons to be made available to officers and employees of the state comptroller for the purposes of a duly authorized performance audit

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

Section 1. Paragraphs (f) and (g) of subdivision 1 of section 496 of the social services law, as added by section 1 of part B of chapter 501 of the laws of 2012, are amended and a new paragraph (h) is added to read as follows:

(f) the independent agency designated pursuant to subdivision (b) of section five hundred fifty-eight of the executive law, provided that such information is relevant to a matter within the legal authority of such agency; [~~or~~]

(g) other persons named in the report, as defined in subdivision thirteen of section four hundred eighty-eight of this article which includes, but is not limited to, the service recipient's parent, guardian or other person legally responsible for such person; provided, however, that the names and other personally identifying information of custodians and other service recipients shall not be included unless such custodians and service recipients authorize disclosure. Notwithstanding the prohibitions on non-redisclosure set forth in the closing sentence of this subdivision, the service recipient, and such service recipient's parent, guardian or other person legally responsible for such service recipient may disclose information and reports made available pursuant to this paragraph to an attorney, who shall not further disclose except as is necessary for use by such attorney in rendering advice, assistance and representation[~~.~~]**; or**

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

LBD09778-02-9

(h) officers and employees of the state comptroller, for purposes of a duly authorized performance audit; provided, however, that such officers and employees shall protect the confidentiality of the service recipient, the subject of the report, and any other person named in the report, in accordance with the provisions of paragraph (t) of subdivision two of this section.

§ 2. This act shall take effect immediately.