STATE OF NEW YORK

2756

2019-2020 Regular Sessions

IN ASSEMBLY

January 25, 2019

Introduced by M. of A. BARRETT, GUNTHER, SANTABARBARA -- read once and referred to the Committee on Mental Health

AN ACT to amend the social services law, in relation to the duty of mandated reporters to report an incident when there are multiple reporters with direct knowledge of such incident

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

Section 1. Subdivision 1 of section 491 of the social services law is amended by adding a new paragraph (b-1) to read as follows:

(b-1) Where multiple reporters have direct knowledge of the same reportable incident or have reasonable cause to suspect such incident has occurred, each mandated reporter is required to report such incident, unless he or she reasonably believes that the report has already been made by another mandated reporter.

§ 2. Paragraph (b) of subdivision 3 of section 491 of the social services law, as added by section 1 of part B of chapter 501 of the laws of 2012, is amended to read as follows:

(b) [~~A~~] **Except as provided in paragraph (b-1) of subdivision one of this section, a** mandated reporter who knowingly and willfully fails to report a case of suspected abuse or neglect to the vulnerable persons' central register may be subject to termination, subject to any applicable collective bargaining agreement. Any person or official required by this article to report a case of suspected abuse or neglect to the vulnerable persons' central register who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

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

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

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