STATE OF NEW YORK

7575

2019-2020 Regular Sessions

IN ASSEMBLY

May 9, 2019

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

AN ACT to amend the social services law, in relation to authorizing certain reports relating to reportable incidents involving vulnerable persons to be released 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.

LBD02700-02-9

(h) officers and employees of the state comptroller, for purposes of a duly authorized performance audit; provided, however, that such reports shall be redacted to protect the confidentiality of the service recipient named in the report, the subject of the report, and any other person named in the report, prior to the transmission of such reports from the justice center to the state comptroller.

§ 2. This act shall take effect immediately.