STATE OF NEW YORK

7731

2021-2022 Regular Sessions

IN ASSEMBLY

May 20, 2021

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

AN ACT in relation to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability

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

Section 1. Upon receipt of a complaint of an incident of abuse or neglect of an individual with a disability, or if the independent agency established under section 558 of the executive law determines there is probable cause to believe that such an incident occurred, or in other instances related to an investigation of a violation of such individual's rights, the independent agency shall have prompt access: to any facility or part thereof serving such individual that is operated, certified or licensed by any office or agency of the state, at any time; to all books, records and data pertaining to such a facility; to such individual with a disability in a location in which services, supports and other assistance are provided to such individual; to records of a facility or provider agency concerning such individual; and to any other records or data that the independent agency determines are relevant to conducting an investigation. The independent agency also shall have access to records of the justice center as set forth in paragraph (f) of subdivision one and paragraph (y) of subdivision two of section four hundred ninety-six of the social services law. Copies of records shall be provided to the independent agency free of charge within three business days of receipt of a written request, or if there is a complaint of health or safety placing individuals in serious and immediate jeopardy, or in the case of the death of an individual with a disability, within twenty-four hours of receipt of a written request. Records shall be provided in electronic form at the request of the independent agency.

§ 2. This act shall take effect immediately.

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

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