

STATE OF NEW YORK

7108

2021-2022 Regular Sessions

IN SENATE

June 1, 2021

Introduced by Sen. MANNION -- (at request of the Justice Center for the Protection of People with Special Needs) -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the executive law, in relation to providing licensed facilities a summary of final substantiated reports of category two conduct of an employee or volunteer

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

1 Section 1. Subdivision 1 of section 562 of the executive law, as added
2 by section 3 of part A of chapter 501 of the laws of 2012, is amended to
3 read as follows:

4 1. (a) Upon receiving a request for criminal history information,
5 pursuant to section eight hundred forty-five-b of this chapter, for a
6 prospective employee or volunteer of a facility or provider licensed,
7 operated, or certified by the office for people with developmental disa-
8 bilities, the justice center shall furnish a summary of any substanti-
9 ated reports in its possession regarding a final finding of category two
10 conduct pursuant to section four hundred ninety-three of the social
11 services law, by a prospective employee or volunteer~~[, if all relevant~~
12 ~~hearings and appeals have been exhausted]~~. The justice center shall
13 provide such summary report to the authorized person as defined in para-
14 graph (b) of subdivision one of section eight hundred forty-five-b of
15 this chapter and at that same time furnish such documents to the
16 prospective employee or volunteer at the address for such person listed
17 on the request.

18 (b) Notwithstanding paragraph (a) of this subdivision, a facility or
19 provider licensed, operated or certified by the office for people with
20 developmental disabilities shall be provided a summary of any final
21 finding of category two conduct pursuant to section four hundred nine-
22 ty-three of the social services law, for a current employee or volun-

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

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1 teer, where the substantiated category two conduct in such summary
2 occurred at another facility or provider agency. The justice center
3 shall additionally provide such summary to the employee or volunteer if
4 such summary has not previously been provided.

5 (c) For the purposes of this subdivision, a final finding of category
6 two conduct shall mean a finding for which all relevant hearings and
7 appeals have been exhausted and has not been sealed in accordance with
8 section four hundred ninety-three of the social services law.

9 § 2. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.