STATE OF NEW YORK

7684

2021-2022 Regular Sessions

IN ASSEMBLY

May 19, 2021

Introduced by M. of A. GUNTHER -- (at request of the Justice Center for the Protection of People with Special Needs) -- read once and referred to the Committee on Mental Health

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:

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

1. **(a)** Upon receiving a request for criminal history information, pursuant to section eight hundred forty-five-b of this chapter, for a prospective employee or volunteer of a facility or provider licensed, operated, or certified by the office for people with developmental disabilities, the justice center shall furnish a summary of any substantiated reports in its possession regarding a **final** finding of category two conduct pursuant to section four hundred ninety-three of the social services law, by a prospective employee or volunteer[~~, if all relevant hearings and appeals have been exhausted~~]. The justice center shall provide such summary report to the authorized person as defined in paragraph (b) of subdivision one of section eight hundred forty-five-b of this chapter and at that same time furnish such documents to the prospective employee or volunteer at the address for such person listed on the request.

(b) Notwithstanding paragraph (a) of this subdivision, a facility or provider licensed, operated or certified by the office for people with developmental disabilities shall be provided a summary of any final finding of category two conduct pursuant to section four hundred ninety-three of the social services law, for a current employee or volunteer, where the substantiated category two conduct in such summary

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

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occurred at another facility or provider agency. The justice center shall additionally provide such summary to the employee or volunteer if such summary has not previously been provided.

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

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