STATE OF NEW YORK

7847

IN SENATE

January 12, 2022

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend a chapter of the laws of 2021 relating to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability, as proposed in legislative bills numbers A. 7731 and S. 7024, in relation to the provision of such records

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

Section 1. Section 1 of a chapter of the laws of 2021 relating to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability, as proposed in legislative bills numbers A. 7731 and S. 7024, is amended to read 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 ***serving individuals with disabilities***; 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 individ-

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

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uals 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~~] If the independent agency's access is denied or delayed beyond the deadlines specified herein, the independent agency shall be provided, within one business day after the expiration of such deadline, with a written statement of reasons for the denials or delay. Where records are kept or maintained electronically they shall be provided to the independent agency electronically.

§ 2. Section 2 of a chapter of the laws of 2021 relating to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability, as proposed in legislative bills numbers A. 7731 and S. 7024, is amended to read as follows:

§ 2. This act shall take effect [~~immediately~~] on the thirtieth day after it shall have become a law.

§ 3. This act shall take effect immediately; provided, however, that section one of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 relating to the provision of records upon the receipt of a complaint of an incident of abuse or neglect of an individual with a disability, as proposed in legislative bills numbers A. 7731 and S. 7024, takes effect.