

STATE OF NEW YORK

5387

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sens. HARCKHAM, SALAZAR -- read twice and ordered printed,
and when printed to be committed to the Committee on Children and
Families

AN ACT to amend the social services law, in relation to including
certain programs and facilities in the definition of provider or
provider agency

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

1 Section 1. Subdivision 3 of section 424-a of the social services law,
2 as amended by chapter 611 of the laws of 2022, is amended to read as
3 follows:

4 3. For purposes of this section, the term "provider" or "provider
5 agency" shall mean: an authorized agency; the office of children and
6 family services; a private, nonprofit incorporated agency that meets the
7 state office of children and family services program standards for child
8 advocacy centers; juvenile detention facilities subject to the certif-
9 ication of the office of children and family services; programs estab-
10 lished pursuant to article nineteen-H of the executive law; organiza-
11 tions and programs that provide community based services to individuals
12 under twenty-one years of age who are under the care or oversight of any
13 of the aforementioned provider agencies when the services provided have
14 potential for regular and substantial contact with such individuals
15 under twenty-one; non-residential or residential programs or facilities
16 licensed or operated by the office of mental health or the office for
17 people with developmental disabilities except family care homes; includ-
18 ing head start programs which are funded pursuant to title V of the
19 federal economic opportunity act of nineteen hundred sixty-four, as
20 amended; early intervention service established pursuant to section
21 twenty-five hundred forty of the public health law; preschool services
22 established pursuant to section forty-four hundred ten of the education
23 law; special act school districts as enumerated in chapter five hundred

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

LBD05852-01-3

1 sixty-six of the laws of nineteen hundred sixty-seven, as amended;
2 programs and facilities licensed by the office of alcoholism and
3 substance abuse services; residential schools which are operated, super-
4 vised or approved by the education department; health homes, or any
5 subcontractor of such health homes, who contracts with or is approved or
6 otherwise authorized by the department of health to provide health home
7 services to all those enrolled pursuant to a diagnosis of a develop-
8 mental disability as defined in subdivision twenty-two of section 1.03
9 of the mental hygiene law and enrollees who are under twenty-one years
10 of age under section three hundred sixty-five-1 of this chapter, or any
11 entity that provides home and community based services to enrollees who
12 are under twenty-one years of age under a demonstration program pursuant
13 to section eleven hundred fifteen of the federal social security act;
14 publicly-funded emergency shelters for families with children, provided,
15 however, for purposes of this section, when the provider or provider
16 agency is a publicly-funded emergency shelter for families with chil-
17 dren, then all references in this section to the "potential for regular
18 and substantial contact with individuals who are cared for by the agen-
19 cy" shall mean the potential for regular and substantial contact with
20 children who are served by such shelter; and any other facility or
21 provider agency, as defined in subdivision four of section four hundred
22 eighty-eight of this chapter, in regard to the employment of staff, or
23 use of providers of goods and services and staff of such providers,
24 consultants, interns and volunteers.

25 § 2. This act shall take effect immediately.