STATE OF NEW YORK

7465

2023-2024 Regular Sessions

IN SENATE

May 30, 2023

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, provider agencies, and other providers of services 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. Section 562 of the executive law, as added by section 3 of part A of chapter 501 of the laws of 2012, subdivision 1 as amended by chapter 234 of the laws of 2021, is amended to read as follows:

§ 562. [~~Abuse and neglect~~] **Category two findings, additional** notification. 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 **agency, or other provider of services** licensed, operated, or certified by [~~the office for people with developmental disabilities~~] **a state oversight agency completing the check of the register of substantiated category one cases of abuse or neglect required by section four hundred ninety-five of the social services law**, 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~~] **for such** prospective employee or volunteer. 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.

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

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(b) Notwithstanding paragraph (a) of this subdivision, a facility or provider [~~licensed, operated or certified by the office for people with developmental disabilities~~] **entitled to receive the notification pursuant to paragraph (a) of this subdivision** shall **also** 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 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 **substantiated** finding **in accordance with section four hundred ninety-three of the social services law** for which all relevant hearings and appeals have been exhausted and has not been sealed in accordance with section four hundred ninety-three **or four hundred ninety-four** of the social services law.

2. The summary report provided by the justice center to a provider of services pursuant to subdivision one of this section shall be received by the provider subject to the confidentiality provisions of subdivision seven of section eight hundred forty-five-b of this chapter.

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