

# STATE OF NEW YORK

8424

2025-2026 Regular Sessions

## IN ASSEMBLY

May 15, 2025

Introduced by M. of A. TAPIA -- (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 mental hygiene law and the surrogates court procedure act, in relation to the functions of the justice center for the protection of people with special needs (Part A); to amend the election law and the mental hygiene law, in relation to intra-agency reporting; to amend the public health law, in relation to fraud control and making technical corrections; and to amend the social services law, in relation to making technical corrections (Part B)

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

1 Section 1. This act enacts into law major components of legislation  
2 necessary for operations of the justice center for the protection of  
3 people with special needs. Each component is wholly contained within a  
4 Part identified as Parts A and B. The effective date for each particular  
5 provision contained within such Part is set forth in the last section of  
6 such Part. Any provision in any section contained within a Part, includ-  
7 ing the effective date of the Part, which makes a reference to a section  
8 "of this act", when used in connection with that particular component,  
9 shall be deemed to mean and refer to the corresponding section of the  
10 Part in which it is found. Section two of this act sets forth the gener-  
11 al effective date of this act.

12 Part A

13 Section 1. Subdivision (b) of section 80.05 of the mental hygiene law,  
14 as amended by chapter 118 of the laws of 1995, is amended to read as  
15 follows:

16 (b) The members shall be appointed by the [~~commission~~] justice center  
17 for the protection of people with special needs ("justice center"). The

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

LBD10186-01-5

1 [~~commission~~] justice center shall designate one member of each of the  
2 committees to serve as chairperson, who shall serve at the pleasure of  
3 the [~~commission~~] justice center. [~~Members appointed as of July thirty-~~  
4 ~~first, nineteen hundred ninety shall serve for terms expiring on July~~  
5 ~~thirty-first, nineteen hundred ninety-one. Upon expiration of such~~  
6 ~~terms, such members may be appointed for terms of two years commencing~~  
7 ~~on August first, nineteen hundred ninety-one.~~] Any additional members  
8 [~~and members appointed due to vacancies~~] shall be appointed for terms of  
9 two years to serve at the pleasure of the justice center commencing on  
10 the date of completion of training by the [~~commission. Members may be~~  
11 ~~reappointed for additional two year terms of office but~~] justice center  
12 and the provisions of section five of the public officers law shall not  
13 apply to such members. [~~The commission may assign a committee member to~~  
14 ~~serve on an additional committee or committees as deemed necessary or~~  
15 ~~appropriate by the commission.~~]

16 § 2. Subdivision (g) of section 80.03 of the mental hygiene law, as  
17 amended by section 11 of part H of chapter 58 of the laws of 2005, is  
18 amended to read as follows:

19 (g) [~~"Commission" means the commission on quality of care and advocacy~~  
20 ~~for persons with disabilities.~~] "Justice Center" means the justice  
21 center for the protection of people with special needs.

22 § 3. Subdivisions (a), (d) and (e) of section 80.05 of the mental  
23 hygiene law, subdivisions (a) and (d) as amended by chapter 619 of the  
24 laws of 1990, and subdivision (e) as amended by chapter 198 of the laws  
25 of 2008, are amended to read as follows:

26 (a) Surrogate decision-making committees of at least twelve persons  
27 shall be established by the [~~commission~~] justice center in geographic  
28 areas of the state, as may be designated by the [~~commission~~] justice  
29 center. [~~A committee designated after April first, nineteen hundred~~  
30 ~~eighty-eight shall not accept applications for review pursuant to this~~  
31 ~~article until April first, nineteen hundred eighty-nine and within~~  
32 ~~appropriations made therefor.~~]

33 (d) A member who has failed to attend three consecutive meetings of  
34 the committee or panel to which the member has been appointed shall be  
35 considered to have vacated [~~his or her~~] their office unless the [~~commis-~~  
36 ~~sion~~] justice center determines that the absences should be excused. The  
37 members shall be reimbursed for their actual and necessary expenses and  
38 shall be considered public officers for the purpose of sections seven-  
39 teen, nineteen and seventy-four of the public officers law.

40 (e) The committees shall have available to them such staff and assist-  
41 ance as may be deemed necessary by the [~~commission~~] justice center. In  
42 providing for such staff and assistance, the [~~commission~~] justice center  
43 may enter into agreements with nonprofit organizations, including but  
44 not limited to community dispute resolution centers authorized under  
45 article twenty-one-A of the judiciary law, and the staff of such organ-  
46 izations in carrying out such functions shall be considered public offi-  
47 cers for the purpose of sections seventeen, nineteen and seventy-four of  
48 the public officers law. Provided, however, the [~~commission~~] justice  
49 center may not delegate pursuant to such agreements responsibility for  
50 the appointment of members to serve on surrogate decision-making commit-  
51 tees, the training of any such members, the review of declarations,  
52 maintenance of the record of the hearing and original file, and general  
53 oversight of panel activities. Any information, books, records, or data  
54 which are confidential as provided for by law, received by such an  
55 organization pursuant to an agreement with the [~~commission~~] justice  
56 center, shall be kept confidential by the organization, and any limita-

1 tions on the further release thereof, imposed by law upon the party  
2 furnishing the information, books, records or data, shall apply to the  
3 organization.

4 § 4. Paragraph (a) of subdivision 1 of section 1750-b of the surro-  
5 gates court procedure act, as amended by chapter 198 of the laws of  
6 2016, is amended to read as follows:

7 (a) For the purposes of making a decision to withhold or withdraw  
8 life-sustaining treatment pursuant to this section, in the case of a  
9 person for whom no guardian has been appointed pursuant to section  
10 seventeen hundred fifty or seventeen hundred fifty-a of this article, a  
11 "guardian" shall also mean a family member of a person who (i) has  
12 intellectual disability, or (ii) has a developmental disability, as  
13 defined in section 1.03 of the mental hygiene law, which (A) includes  
14 intellectual disability, or (B) results in a similar impairment of  
15 general intellectual functioning or adaptive behavior so that such  
16 person is incapable of managing [~~himself or herself, and/or his or her~~  
17 themselves and/or their] affairs by reason of such developmental disabili-  
18 ty. Qualified family members shall be included in a prioritized list of  
19 said family members pursuant to regulations established by the commis-  
20 sioner of the office for people with developmental disabilities. Such  
21 family members must have a significant and ongoing involvement in a  
22 person's life so as to have sufficient knowledge of their needs and,  
23 when reasonably known or ascertainable, the person's wishes, including  
24 moral and religious beliefs. In the case of a person who was a resident  
25 of the former Willowbrook state school on March seventeenth, nineteen  
26 hundred seventy-two and those individuals who were in community care  
27 status on that date and subsequently returned to Willowbrook or a  
28 related facility, who are fully represented by the consumer advisory  
29 board and who have no guardians appointed pursuant to this article or  
30 have no qualified family members to make such a decision, then a "guard-  
31 ian" shall also mean the Willowbrook consumer advisory board. A decision  
32 of such family member or the Willowbrook consumer advisory board to  
33 withhold or withdraw life-sustaining treatment shall be subject to all  
34 of the protections, procedures and safeguards which apply to the deci-  
35 sion of a guardian to withhold or withdraw life-sustaining treatment  
36 pursuant to this section.

37 (a-1) In the case of a person for whom no guardian has been appointed  
38 pursuant to this article or for whom there is no qualified family member  
39 or the Willowbrook consumer advisory board available to make such a  
40 decision, a "guardian" shall also mean, notwithstanding the definitions  
41 in section 80.03 of the mental hygiene law, a surrogate decision-making  
42 committee, as defined in article eighty of the mental hygiene law. All  
43 declarations and procedures, including expedited procedures, to comply  
44 with this section shall be established by regulations promulgated by the  
45 [~~commission on quality of care and advocacy for persons with disabili-~~  
46 ties] justice center for the protection of people with special needs.

47 § 5. Section 80.13 of the mental hygiene law, as added by chapter 354  
48 of the laws of 1985, is amended to read as follows:

49 § 80.13 [~~Committee reports~~] Reports to the justice center.

50 [~~The chairman of each committee shall provide a quarterly report on~~  
51 ~~the activities of the committee and its panels to the commission on~~  
52 ~~quality of care for the mentally disabled. Such report shall provide all~~  
53 ~~information in the manner and form requested by the commission.] Upon  
54 request of the justice center for the protection of people with special  
55 needs, the program staff employed pursuant to subdivision (e) of section  
56 80.05 of this article shall provide a report on the activities of the~~

1 committee and its panels containing all information requested by the  
2 justice center.

3 § 6. This act shall take effect immediately.

4 PART B

5 Section 1. The opening paragraph of section 5-211 of the election law,  
6 as amended by section 7 of part PP of chapter 56 of the laws of 2022, is  
7 amended to read as follows:

8 Each agency designated as a participating agency under the provisions  
9 of this section shall implement and administer a program of distribution  
10 of voter registration forms pursuant to the provisions of this section.  
11 The following offices which provide public assistance and/or provide  
12 state funded programs primarily engaged in providing services to persons  
13 with disabilities are hereby designated as voter registration agencies:  
14 designated as the state agencies which provide public assistance are the  
15 office of children and family services, the office of temporary and  
16 disability assistance and the department of health. Also designated as  
17 public assistance agencies are all agencies of local government that  
18 provide such assistance. Designated as state agencies that provide  
19 programs primarily engaged in providing services to people with disabil-  
20 ities are the department of labor, office for the aging, department of  
21 veterans' services, office of mental health, office of vocational and  
22 educational services for individuals with disabilities, [~~commission on~~  
23 ~~quality of care for the mentally disabled~~] the justice center for the  
24 protection of people with special needs, office for people with develop-  
25 mental disabilities, commission for the blind, office of addiction  
26 services and supports, the office of the advocate for the disabled and  
27 all offices which administer programs established or funded by such  
28 agencies. Additional participating agencies designated as voter regis-  
29 tration offices are the department of state and the district offices of  
30 the workers' compensation board. Such agencies shall be required to  
31 offer voter registration forms to persons upon initial application for  
32 services, renewal or recertification for services and upon change of  
33 address relating to such services. Such agencies shall also be responsi-  
34 ble for providing assistance to applicants in completing voter registra-  
35 tion forms, receiving and transmitting the completed application form  
36 from all applicants who wish to have such form transmitted to the appro-  
37 priate board of elections. The state board of elections shall, together  
38 with representatives of the United States department of defense, develop  
39 and implement procedures for including recruitment offices of the armed  
40 forces of the United States as voter registration offices when such  
41 offices are so designated by federal law. The state board of elections  
42 shall also make request of the United States Citizenship and Immigration  
43 Services to include applications for registration by mail with any mate-  
44 rials which are given to new citizens.

45 § 2. Subdivisions (f), (h), (i), (j) and (n) of section 7.33 of the  
46 mental hygiene law, subdivision (f) and (h) as amended by chapter 175 of  
47 the laws of 1986, subdivision (i) as amended by chapter 14 of the laws  
48 of 1990, paragraph 1 of subdivision (i) as amended by chapter 75 of the  
49 laws of 1992, subdivision (j) as amended by chapter 264 of the laws of  
50 1980 and as renumbered by chapter 84 of the laws of 1980, and subdivi-  
51 sion (n) as amended by chapter 376 of the laws of 1994, are amended to  
52 read as follows:

53 (f) (1) Each board of visitors shall hold six bi-monthly regular meet-  
54 ings annually, but a greater number of regular meetings may be scheduled

1 by the board. Each board of visitors shall establish in their by-laws or  
2 otherwise, in writing, whether these six meetings shall be held during  
3 months represented by odd numbers or months represented by even numbers.  
4 The president of the board shall notify the [~~chairman of the commission~~  
5 ~~on quality of care for the mentally disabled~~] executive director of the  
6 justice center for the protection of people with special needs and the  
7 facility director of the determination made concerning the designated  
8 months for the six bi-monthly regular meetings. The president of the  
9 board, the commissioner, the director, or the members as determined by  
10 the rules of the board may call special meetings. The board may require  
11 the director to submit a report at each meeting. Each board shall keep a  
12 record of its proceedings and activities. A member of a board of visi-  
13 tors who has failed to attend three consecutive bi-monthly regular meet-  
14 ings shall be considered to have vacated [~~his~~] their office unless  
15 otherwise ordered by the governor. The board shall cause notice of any  
16 of its public meetings to be sent to the mental hygiene legal service  
17 located in the same judicial department as the hospital. The mental  
18 hygiene legal service may send a representative to any such public meet-  
19 ing, and may request the board to review patient complaints or investi-  
20 gate alleged incidents of abuse or mistreatment. The board shall notify  
21 the appropriate representative of the mental hygiene legal service of  
22 the board's actions and findings in relation to any such request.

23 (2) The president of the board of visitors shall notify a member by  
24 certified or registered mail with return receipt requested when such  
25 member of the board has failed to attend any two consecutive bi-monthly  
26 regular meetings. This notice shall be sent within ten days following  
27 the second meeting and shall include the dates of the two meetings which  
28 were missed, the date of the next bi-monthly regular meeting, and a  
29 statement concerning the consequences of failure to attend the next  
30 bi-monthly meeting.

31 (3) Within three days after the third consecutive absence at a  
32 bi-monthly regular meeting by a member, the president of the board of  
33 visitors shall notify, in writing, the governor, the commissioner, the  
34 [~~chairman of the commission on quality of care for the mentally dis-~~  
35 ~~abled~~] executive director of the justice center for the protection of  
36 people with special needs and the facility director of such absences.  
37 The president of the board of visitors shall send a copy of this notice  
38 to the member by registered or certified mail return receipt requested.  
39 The member may petition the governor to excuse [~~his~~] their absences. If  
40 the governor does not excuse the absences within forty-five days of the  
41 date of the third consecutive meeting absence, the office of the member  
42 shall be deemed vacated.

43 (h) Each board or any member of the board may visit and inspect the  
44 department facility at any time without prior notice and may report on  
45 conditions to the governor, to the commissioner and to the [~~chairman of~~  
46 ~~the state commission on quality of care for the mentally disabled~~] exec-  
47 utive director of the justice center for the protection of people with  
48 special needs. In addition, each board shall ensure that a member or  
49 committee of members shall inspect the department facility once every  
50 three months without prior notice. A report on conditions may be submit-  
51 ted to the governor, to the commissioner or to the [~~chairman of the~~  
52 ~~state commission on quality of care for the mentally disabled~~] executive  
53 director of the justice center for the protection of people with special  
54 needs. Each board member shall visit and inspect the facility at least  
55 twice during each calendar year. Within thirty days after the conclusion  
56 of each calendar year the president of the board of visitors shall noti-

1 fy the governor, the commissioner, the [~~chairman of the commission on~~  
2 ~~quality of care for the mentally disabled~~] executive director of the  
3 justice center for the protection of people with special needs and the  
4 facility director, if any member of the board has failed to visit and  
5 inspect the facility at least twice during that year. The president of  
6 the board of visitors shall send a copy of this notice by certified or  
7 registered mail return receipt requested to the member to whom it  
8 pertains. A member of a board of visitors who has failed to visit and  
9 inspect the facility at least twice a year shall be considered to have  
10 vacated [~~his~~] their office unless otherwise ordered by the governor  
11 within forty-five days after the end of the calendar year. The board  
12 shall have the power to investigate all charges against the director and  
13 all cases of alleged patient abuse or mistreatment made against any  
14 employee and shall have the power to interview patients and employees of  
15 the facility in pursuit of such investigations. In conducting such an  
16 investigation, the board shall have the power, in accordance with the  
17 civil practice law and rules, to subpoena witnesses, compel their testi-  
18 mony, administer oaths to witnesses, examine witnesses under oath, and  
19 require the production of any books or papers deemed relevant to the  
20 investigation. A board or a member may include in the report or sepa-  
21 rately at any time any matter pertaining to the management and affairs  
22 of the facility and may make recommendations to the governor, to the  
23 commissioner and to the [~~chairman of the state commission on quality of~~  
24 ~~care for the mentally disabled~~] executive director of the justice center  
25 for the protection of people with special needs. Each board member  
26 shall enter in a book, kept at each facility for that purpose, the date  
27 of each visit.

28 (i) (1) Any member or members of the board may visit and inspect a  
29 family care home, which is within the catchment area of the hospital on  
30 the board of which such member or members serve. Such member or members  
31 shall be granted access to such facility and to all books, records and  
32 data pertaining to such facility deemed necessary for carrying out the  
33 purposes of such visit. Information, books, records or data which are  
34 confidential as provided by law shall be kept confidential and any limi-  
35 tations on the release thereof imposed by law upon the party furnishing  
36 the information, books, records or data shall apply to such member or  
37 members of the board. After any such visits or inspection, a report  
38 containing findings and recommendations may be submitted to the gover-  
39 nor, to the commissioner or to [~~the state commission on quality of care~~  
40 ~~for the mentally disabled~~] the justice center for the protection of  
41 people with special needs.

42 (2) Any member or members of the board may visit and inspect a commu-  
43 nity residence or residential care center for adults, operated by the  
44 office of mental health, which is within the catchment area of the  
45 hospital on the board of which such member or members serve. Such member  
46 or members shall be granted access to such facility and to all books,  
47 records and data pertaining to such facility deemed necessary for carry-  
48 ing out the purposes of such visit and inspection. Information, books,  
49 records or data which are confidential as provided by law shall be kept  
50 confidential and any limitations on the release thereof imposed by law  
51 upon the party furnishing the information, books, records or data shall  
52 apply to such member or members of the board. After any such visits or  
53 inspection, a report containing findings and recommendations shall be  
54 submitted promptly to the commissioner and to the [~~chairman of the state~~  
55 ~~commission on quality of care for the mentally disabled~~] executive

1 director of the justice center for the protection of people with special  
2 needs.

3 (j) Once each year, each board shall make an independent assessment of  
4 conditions at the facility and shall submit a report on the assessment  
5 and recommendations to the governor, to the commissioner and to the  
6 [~~chairman of the state commission on quality of care for the mentally~~  
7 ~~disabled~~] executive director of the justice center for the protection of  
8 people with special needs.

9 (n) Each member shall attend, within one year of the initial appoint-  
10 ment or any subsequent reappointment, an orientation training program  
11 provided by the [~~commission on quality of care for the mentally disa-~~  
12 ~~bled~~] justice center for the protection of people with special needs for  
13 members of boards of visitors. The [~~chairman of the commission on quali-~~  
14 ~~ty of care for the mentally disabled~~] executive director of the justice  
15 center for the protection of people with special needs shall notify the  
16 governor and the appointed member of any such member's failure to attend  
17 such a training program. A member who has failed to attend such a train-  
18 ing program scheduled for such member shall be considered to have  
19 vacated [~~his~~] their office unless otherwise ordered by the governor  
20 within forty-five days after the notice.

21 § 3. Subdivisions (h), (i), and (n) of section 13.33 of the mental  
22 hygiene law, as amended by section 4 of part J of chapter 56 of the laws  
23 of 2012, are amended to read as follows:

24 (h) Each board or any member of the board may visit and inspect a  
25 state operated facility that is in the catchment area of the state oper-  
26 ations region in which such member or members serve at any time without  
27 prior notice and may report on conditions to the governor, to the  
28 commissioner and to the [~~chairman of the state commission on quality of~~  
29 ~~care and advocacy for persons with disabilities~~] executive director of  
30 the justice center for the protection of people with special needs and,  
31 subject to confidential information being redacted to protect the confi-  
32 dentiality of individuals in such facility, to the temporary president  
33 of the senate and to the speaker of the assembly. In addition, each  
34 board shall ensure that a member or committee of members shall inspect  
35 such facility once every three months without prior notice. A report on  
36 conditions may be submitted to the governor, to the commissioner or to  
37 the [~~chairman of the state commission on quality of care and advocacy~~  
38 ~~for persons with disabilities~~] executive director of the justice center  
39 for the protection of people with special needs and, subject to confi-  
40 dential information being redacted to protect the confidentiality of  
41 individuals in such facility, to the temporary president of the senate  
42 and to the speaker of the assembly. Each board member shall visit and  
43 inspect any such facility at least twice during each calendar year.  
44 Within thirty days after the conclusion of each calendar year, the pres-  
45 ident of the board of visitors shall notify the governor, the commis-  
46 sioner, the [~~chairman of the commission on quality of care and advocacy~~  
47 ~~for persons with disabilities~~] executive director of the justice center  
48 for the protection of people with special needs, and the state oper-  
49 ations director, if any member of the board has failed to visit and  
50 inspect any such facility at least twice during that year. The president  
51 of the board of visitors shall send a copy of this notice by certified  
52 or registered mail return receipt requested to the member to whom it  
53 pertains. A member of a board of visitors who has failed to visit and  
54 inspect a facility at least twice a year shall be considered to have  
55 vacated [~~his or her~~] their office unless otherwise ordered by the gover-  
56 nor within forty-five days after the end of the calendar year. The board

1 shall have the power to investigate all charges against the state oper-  
2 ations director, and all cases of alleged patient abuse or mistreatment  
3 made against any employee, and shall have the power to interview  
4 patients and employees of the facilities in pursuit of such investi-  
5 gations. In conducting such an investigation, the board shall have the  
6 power, in accordance with the civil practice law and rules, to subpoena  
7 witnesses, compel their testimony, administer oaths to witnesses, exam-  
8 ine witnesses under oath, and require the production of any books or  
9 papers deemed relevant to the investigation. A board or a member may  
10 include in the report or separately at any time any matter pertaining to  
11 the management and affairs of such facilities and may make recommenda-  
12 tions to the governor, to the commissioner and to the [~~chairman of the~~  
13 ~~state commission on quality of care and advocacy for persons with disa-~~  
14 ~~bilities~~] executive director of the justice center for the protection of  
15 people with special needs. Each board member shall enter in a book, kept  
16 at each such facility for that purpose, the date of each visit.

17 (i) (1) Any member or members of the board may visit and inspect a  
18 family care home that is within the catchment area of the state oper-  
19 ations region in which such member or members serve. Such member or  
20 members shall be granted access to such facility and to all books,  
21 records and data pertaining to such facility deemed necessary for carry-  
22 ing out the purposes of such visit. Information, books, records or data  
23 that are confidential as provided by law shall be kept confidential and  
24 any limitations on the release thereof imposed by law upon the party  
25 furnishing the information, books, records or data shall apply to such  
26 member or members of the board. After any such visits or inspections, a  
27 report containing findings and recommendations may be submitted to the  
28 governor, to the commissioner or to the [~~state commission on quality of~~  
29 ~~care and advocacy for persons with disabilities~~] executive director of  
30 the justice center for the protection of people with special needs and  
31 subject to confidential information being redacted to protect the confi-  
32 dentiality of individuals in such facility to the temporary president of  
33 the senate and to the speaker of the assembly.

34 (2) Any member or members of the board may visit and inspect a commu-  
35 nity residence operated by the office for people with developmental  
36 disabilities that is within the catchment area of the state operations  
37 region in which such member or members serve. Such member or members  
38 shall be granted access to such facility and to all books, records and  
39 data pertaining to such facility deemed necessary for carrying out the  
40 purposes of such visit and inspection. Information, books, records or  
41 data that are confidential as provided by law shall be kept confidential  
42 and any limitations on the release thereof imposed by law upon the party  
43 furnishing the information, books, records or data shall apply to such  
44 member or members of the board. After any such visits or inspection, a  
45 report containing findings and recommendations shall be submitted  
46 promptly to the commissioner and to the [~~chairman of the state commis-~~  
47 ~~sion on quality of care and advocacy for persons with disabilities~~]  
48 executive director of executive director of the justice center for the  
49 protection of people with special needs.

50 (n) Each member shall attend, within one year of the initial appoint-  
51 ment or any subsequent reappointment, an orientation training program  
52 provided by the [~~commission on quality of care and advocacy for persons~~  
53 ~~with disabilities~~] executive director of the justice center for the  
54 protection of people with special needs for members of boards of visi-  
55 tors. The [~~chairman of the commission on quality of care and advocacy~~  
56 ~~for persons with disabilities~~] executive director of the justice center

1 for the protection of people with special needs shall notify the gover-  
2 nor and the appointed member of any such member's failure to attend such  
3 a training program. A member who has failed to attend such a training  
4 program scheduled for such member shall be considered to have vacated  
5 [~~his~~] their office unless otherwise ordered by the governor within  
6 forty-five days after the notice.

7 § 4. Section 16.13 of the mental hygiene law, as amended by chapter  
8 435 of the laws of 2005, subdivision (b) as added by section 8 of part C  
9 of chapter 501 of the laws of 2012, subdivision (e) as added by chapter  
10 535 of the laws of 2019, is amended to read as follows:

11 § 16.13 Duties of providers of services.

12 It shall be the duty of every holder of an operating certificate  
13 issued pursuant to this article or organization whose incorporation or  
14 activities require the approval of the commissioner, or program funded  
15 or administered by the office to assist such office and the [~~commission~~  
16 ~~on quality of care for the mentally disabled~~] justice center for the  
17 protection of people with special needs in carrying out their respective  
18 regulatory and oversight functions by:

19 (a) Complying with the applicable provisions of this chapter, other  
20 applicable laws, and the regulations of the commissioner.

21 (b) Making reports of allegations of reportable incidents in accord-  
22 ance with article eleven of the social services law to the vulnerable  
23 persons' central register, which shall screen and immediately forward  
24 reports that appear to allege crimes to the appropriate law enforcement  
25 agency.

26 (c) Cooperating with the commissioner or his or her authorized repre-  
27 sentative and the [~~commission on quality of care for the mentally disa-~~  
28 ~~bled~~] justice center for the protection of people with special needs or  
29 any representative authorized by the [~~chair of such commission~~] execu-  
30 tive director of the justice center in any investigation or inspection  
31 conducted by the office or [~~such commission~~] the justice center.

32 (d) Permitting the commissioner or [~~his or her~~] their authorized  
33 representative and the [~~commission on quality of care for the mentally~~  
34 ~~disabled~~] justice center for the protection of people with special needs  
35 or any representative authorized by the [~~chair of such commission~~] exec-  
36 utive director of the justice center to inspect its facility and all  
37 books and records, including financial records and client records, kept  
38 by it and to interview and examine any client at its facility except  
39 that no such client may be examined against [~~his or her~~] their will.

40 (e) Posting a visible notice. Facilities licensed, certified or oper-  
41 ated by the office shall post signs in accordance with this subdivision.  
42 Such signs shall be posted and visible where employee notices are post-  
43 ed, be not less than eight and one-half inches by eleven inches and  
44 shall read: "In case of an emergency, dial 911".

45 § 5. Paragraph 3 of subdivision (c) of section 16.34 of the mental  
46 hygiene law, as amended by section 1 of part H of chapter 501 of the  
47 laws of 2012, is amended to read as follows:

48 3. "substantiated report" shall mean that, after investigation, the  
49 [~~commission on quality care and advocacy for persons with disabilities~~]  
50 justice center for the protection of people with special needs or the  
51 office has determined, in writing, that a report filed by [~~such commis-~~  
52 ~~sion~~] the justice center, by the office, or by a provider certified by  
53 the office, meets the criteria of abuse or serious neglect, as defined  
54 in this section, of a patient or consumer in a program licensed, oper-  
55 ated, or certified by the office and that the report and credible infor-  
56 mation submitted support the relevant allegations in the report or shall

1 mean that the prospective employee or volunteer was either found guilty  
2 in a disciplinary proceeding, or there was a settlement agreement in  
3 which the prospective employee or volunteer admitted guilt.

4 § 6. Subdivision 5 of section 29.29 of the mental hygiene law, as  
5 amended by chapter 24 of the laws of 2007, is amended to read as  
6 follows:

7 5. The commissioners shall transmit a copy of any report received  
8 pursuant to subdivision four of this section to the [~~state commission on~~  
9 ~~quality of care and advocacy for persons with disabilities~~] justice  
10 center for the protection of people with special needs.

11 § 7. Section 31.11 of the mental hygiene law, as amended by chapter  
12 435 of the laws of 2005, subdivision 2 as amended by chapter 558 of the  
13 laws of 2011, subdivision 5 as added by chapter 491 of the laws of 2008,  
14 is amended to read as follows:

15 § 31.11 Certain duties of providers of services.

16 It shall be the duty of every holder of an operating certificate, or  
17 program funded or administered by the office of mental health to assist  
18 the department and the [~~commission on quality of care for the mentally~~  
19 ~~disabled~~] justice center for the protection of people with special needs  
20 in carrying out their respective regulatory and oversight functions by:

21 1. complying with the applicable provisions of this chapter, other  
22 applicable laws, and the regulations of the commissioner.

23 2. making such reports as are necessary to provide notification to the  
24 district attorney or other appropriate law enforcement official and the  
25 commissioner or [~~his or her~~] their authorized representative as soon as  
26 possible, or in any event within three working days, if it appears that  
27 a crime may have been committed against a patient receiving services  
28 from such provider, unless it appears that the crime includes an employ-  
29 ee, intern, volunteer, consultant, contractor, or visitor and the  
30 alleged conduct caused physical injury or the patient was subject to  
31 unauthorized sexual contact, or if it appears the crime is endangering  
32 the welfare of an incompetent or physically disabled person pursuant to  
33 section 260.25 of the penal law, or if the crime was any felony under  
34 state or federal law, then the district attorney or other appropriate  
35 law enforcement official must be contacted immediately, and in any event  
36 no later than twenty-four hours and such other reports, uniform and  
37 otherwise, as are required by the commissioner or [~~his or her~~] their  
38 authorized representative with respect to its operations. If there is  
39 reasonable cause to believe that the crime against the client may have  
40 occurred in a facility or program of any other service provider  
41 licensed, certified, funded or operated by a state agency, the adminis-  
42 trator or chief executive officer of such other service provider shall  
43 also be notified as soon as possible, or in any event within three work-  
44 ing days. Provided however, nothing herein shall require such report to  
45 an administrator or chief executive officer of a provider who is alleged  
46 to have committed the crime. The commissioner may execute a memorandum  
47 of understanding with the commissioners of other appropriate state agen-  
48 cies to ensure the coordination and cooperation of such agencies and  
49 providers of services with regard to the conduct of any investigation  
50 and prevention of unnecessary duplicative investigations resulting from  
51 the report of an alleged crime that may have occurred in a facility or  
52 program of another service provider. Information obtained by the commis-  
53 sioner or the [~~commission on quality of care for the mentally disabled~~]  
54 justice center for the protection of people with special needs from the  
55 records of patients receiving services shall be kept confidential in  
56 accordance with the provisions of this chapter.

1 3. cooperating with the commissioner or [~~his or her~~] their authorized  
2 representative and the [~~commission on quality of care for the mentally~~  
3 ~~disabled~~] justice center for the protection of people with special needs  
4 or any representative authorized by the [~~chair of such commission~~] exec-  
5 utive director of the justice center in any investigation or inspection  
6 conducted by the department of mental hygiene or [~~commission on quality~~  
7 ~~of care for the mentally disabled~~] justice center for the protection of  
8 people with special needs.

9 4. permitting the commissioner or [~~his or her~~] their authorized repre-  
10 sentative and the [~~commission on quality of care for the mentally disa-~~  
11 ~~bled~~] justice center for the protection of people with special needs or  
12 any representative authorized by the [~~chair of such commission~~] execu-  
13 tive director of the justice center to inspect its facility and all  
14 books and records, including patient records, kept by it and to inter-  
15 view and examine any patient at its facility except that no such patient  
16 may be examined against [~~his or her~~] their will.

17 5. providing, to the office of mental health, in a form or format  
18 requested by the commissioner, records requested by such office relating  
19 to persons as described in subdivision (j) of section 7.09 of this chap-  
20 ter who may be disqualified from possessing a firearm pursuant to 18 USC  
21 922(4)(d).

22 § 8. Section 32.17 of the mental hygiene law, as added by chapter 558  
23 of the laws of 1999, is amended to read as follows:

24 § 32.17 Certain duties of providers of services.

25 It shall be the duty of every holder of an operating certificate to  
26 assist both the office and the [~~commission on quality of care for the~~  
27 ~~mentally disabled~~] justice center for the protection of people with  
28 special needs in carrying out their respective and joint regulatory  
29 functions by:

30 (a) complying with the provisions of this chapter, other applicable  
31 federal, state, and local laws, rules, and regulations, and the regu-  
32 lations of the commissioner.

33 (b) consistent with federal and state confidentiality laws and regu-  
34 lations, making such reports as are required by the office as well as  
35 those necessary to provide notification to the district attorney or  
36 other appropriate law enforcement official and the commissioner or [~~his~~  
37 ~~or her~~] their authorized representative as soon as possible, or in any  
38 event within three working days, if it appears that a crime may have  
39 been committed by program personnel against a patient receiving services  
40 from such provider, and/or if a crime may have been committed by program  
41 personnel against any person on such provider's premises, and making  
42 such other reports, uniform and otherwise, as are required by the  
43 commissioner or [~~his or her~~] their authorized representative with  
44 respect to its operations. Information obtained by the commissioner from  
45 the records of patients receiving services shall be kept confidential in  
46 accordance with applicable federal and state confidentiality laws and  
47 regulations.

48 (c) cooperating with the commissioner or [~~his or her~~] their authorized  
49 representative and the [~~commission on quality of care for the mentally~~  
50 ~~disabled~~] justice center for the protection of people with special needs  
51 or any representative authorized by the [~~chairperson of such commission~~]  
52 executive director of the justice center in any investigation or  
53 inspection conducted by the department or [~~commission on quality of care~~  
54 ~~for the mentally disabled~~] the justice center for the protection of  
55 people with special needs.

(d) permitting the commissioner or [~~his or her~~] their authorized representative and the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs or any representative authorized by the [~~chairperson of such commission~~] executive director of the justice center to inspect its facility and all books and records, including patient records, kept by it and to interview and examine any patient at its facility except that no patient may be examined against [~~his or her~~] their will.

§ 9. Paragraph 12 of subdivision (a) of section 33.02 of the mental hygiene law, as amended by chapter 306 of the laws of 1995, is amended to read as follows:

12. bring any questions or complaints, including complaints regarding any orders limiting such residents' rights, to the facility director, the mental hygiene legal service, the board of visitors if applicable, and the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs; and

§ 10. Subdivision (e) of section 33.13 of the mental hygiene law, as added by chapter 330 of the laws of 1993, is amended to read as follows:

(e) Clinical information tending to identify patients or clients and clinical records maintained at a facility not operated by the offices, shall not be a public record and shall not be released to any person or agency outside such facility except pursuant to subdivisions (b), (c) and (d) of this section. The director of such a facility may consent to the release of such information and records, subject to regulation by the commissioner, pursuant to the exceptions stated in subdivision (c) of this section; provided that, for the purpose of this subdivision, such consent shall be deemed to be the consent otherwise required of the commissioner pursuant to subdivision (c) of this section. Nothing in this subdivision shall be construed to limit, restrict or otherwise affect access to such clinical information or records by the mental hygiene legal service, the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs or the offices when such access is authorized elsewhere in law.

§ 11. Subdivision 3 of section 32 of the public health law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

3. to coordinate, to the greatest extent possible, activities to prevent, detect and investigate medical assistance program fraud and abuse amongst the following: the department; the offices of mental health, [~~alcoholism and substance abuse services~~] addiction services and supports, temporary disability assistance, and children and family services and the office for people with developmental disabilities; the [~~commission on quality of care and advocacy for persons with disabilities~~] justice center for the protection of people with special needs; the department of education; the fiscal agent employed to operate the medical assistance information and payment system; local governments and entities; and to work in a coordinated and cooperative manner with, to the greatest extent possible, the deputy attorney general for Medicaid fraud control; the welfare inspector general, federal prosecutors, district attorneys within the state, the special investigative unit maintained by each health insurer operating within the state, and the state comptroller;

§ 12. Section 2740 of the public health law, as amended by chapter 672 of the laws of 2019, is amended to read as follows:

§ 2740. Traumatic brain injury program. The department shall have the central responsibility for administering the provisions of this article

1 and otherwise coordinating the state's policies with respect to traumat-  
2 ic brain injury, in consultation with the office for people with devel-  
3 opmental disabilities, the office of mental health, the department of  
4 education, the office of [~~alcoholism and substance abuse services~~]  
5 addiction services and supports, the department of social services, the  
6 office of the advocate for the disabled and the [~~commission on quality~~  
7 ~~of care for the mentally disabled~~] justice center for the protection of  
8 people with special needs.

9 § 13. Subdivision 2 of section 425 of the social services law, as  
10 amended by chapter 126 of the laws of 2014, is amended to read as  
11 follows:

12 2. The department, after consultation with the division for youth, the  
13 division of criminal justice services, the department of mental hygiene,  
14 the [~~commission on quality of care for the mentally disabled~~] justice  
15 center for the protection of people with special needs and the state  
16 education department shall develop guidelines to be utilized by appro-  
17 priate state and local governmental agencies and authorized agencies as  
18 defined by subdivision ten of section three hundred seventy-one of this  
19 article which have responsibility for the care and protection of chil-  
20 dren, in evaluating persons who have a criminal conviction record and  
21 who have applied to such agencies or provider agencies, as defined in  
22 subdivision three of section four hundred twenty-four-a of this title  
23 for employment or who have applied to such state agencies or licensing  
24 agency as defined in subdivision four of section four hundred twenty-  
25 four-a of this title, for a license, certificate, permit or approval to  
26 be an adoptive parent, provider of day care services in a day care  
27 center, family day care home or group family day care home, an operator  
28 of a camp subject to the provisions of article thirteen-B of the public  
29 health law, or an operator of a foster family home subject to the  
30 provisions of subdivision seven of section five hundred one, section  
31 five hundred two or subdivision three of section five hundred thirty-  
32 two-a of the executive law or section three hundred seventy-six and  
33 three hundred seventy-seven of this article.

34 § 14. Subdivision 1 of section 483-f of the social services law, as  
35 amended by chapter 672 of the laws of 2019, is amended to read as  
36 follows:

37 1. The council, in accordance with section 7.43 of the mental hygiene  
38 law, shall assist the commissioner of mental health with the implementa-  
39 tion of the children's plan, developed pursuant to chapter six hundred  
40 sixty-seven of the laws of two thousand six. State child-serving agen-  
41 cies involved in the development of such plan shall assist, as needed,  
42 with such plan's implementation and such agencies shall sign off on all  
43 future reports and plans. Such agencies shall include, but not be limit-  
44 ed to, the office of mental health, the office for people with develop-  
45 mental disabilities, the office of [~~alcoholism and substance abuse~~  
46 ~~services~~] addiction services and supports, the [~~commission on quality of~~  
47 ~~care and advocacy for persons with disabilities~~] justice center for the  
48 protection of people with special needs, the office of children and  
49 family services, the state education department, the department of  
50 health, and the department of probation and correctional alternatives.

51 § 15. This act shall take effect immediately.

52 § 2. This act shall take effect immediately provided, however, that  
53 the applicable effective date of Parts A and B of this act shall be as  
54 specifically set forth in the last section of such Parts.