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:

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

Part A

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

(b) The members shall be appointed by the [~~commission~~] *justice center 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.

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

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

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

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

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

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

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

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

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

(a) For the purposes of making a decision to withhold or withdraw life-sustaining treatment pursuant to this section, in the case of a person for whom no guardian has been appointed pursuant to section seventeen hundred fifty or seventeen hundred fifty-a of this article, a "guardian" shall also mean a family member of a person who (i) has intellectual disability, or (ii) has a developmental disability, as defined in section 1.03 of the mental hygiene law, which (A) includes intellectual disability, or (B) results in a similar impairment of general intellectual functioning or adaptive behavior so that such person is incapable of managing [~~himself or herself, and/or his or her~~] **themself and/or their** affairs by reason of such developmental disability. Qualified family members shall be included in a prioritized list of said family members pursuant to regulations established by the commissioner of the office for people with developmental disabilities. Such family members must have a significant and ongoing involvement in a person's life so as to have sufficient knowledge of their needs and, when reasonably known or ascertainable, the person's wishes, including moral and religious beliefs. In the case of a person who was a resident of the former Willowbrook state school on March seventeenth, nineteen hundred seventy-two and those individuals who were in community care status on that date and subsequently returned to Willowbrook or a related facility, who are fully represented by the consumer advisory board and who have no guardians appointed pursuant to this article or have no qualified family members to make such a decision, then a "guardian" shall also mean the Willowbrook consumer advisory board. A decision of such family member or the Willowbrook consumer advisory board to withhold or withdraw life-sustaining treatment shall be subject to all of the protections, procedures and safeguards which apply to the decision of a guardian to withhold or withdraw life-sustaining treatment pursuant to this section.

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

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

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

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

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

§ 6. This act shall take effect immediately.

PART B

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

Each agency designated as a participating agency under the provisions of this section shall implement and administer a program of distribution of voter registration forms pursuant to the provisions of this section. The following offices which provide public assistance and/or provide state funded programs primarily engaged in providing services to persons with disabilities are hereby designated as voter registration agencies: designated as the state agencies which provide public assistance are the office of children and family services, the office of temporary and disability assistance and the department of health. Also designated as public assistance agencies are all agencies of local government that provide such assistance. Designated as state agencies that provide programs primarily engaged in providing services to people with disabilities are the department of labor, office for the aging, department of veterans' services, office of mental health, office of vocational and educational services for individuals with disabilities, [~~commission on quality of care for the mentally disabled~~] the justice center for the protection of people with special needs, office for people with developmental disabilities, commission for the blind, office of addiction services and supports, the office of the advocate for the disabled and all offices which administer programs established or funded by such agencies. Additional participating agencies designated as voter registration offices are the department of state and the district offices of the workers' compensation board. Such agencies shall be required to offer voter registration forms to persons upon initial application for services, renewal or recertification for services and upon change of address relating to such services. Such agencies shall also be responsible for providing assistance to applicants in completing voter registration forms, receiving and transmitting the completed application form from all applicants who wish to have such form transmitted to the appropriate board of elections. The state board of elections shall, together with representatives of the United States department of defense, develop and implement procedures for including recruitment offices of the armed forces of the United States as voter registration offices when such offices are so designated by federal law. The state board of elections shall also make request of the United States Citizenship and Immigration Services to include applications for registration by mail with any materials which are given to new citizens.

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

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

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

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

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

(h) Each board or any member of the board may visit and inspect the department facility at any time without prior notice and may report on conditions to the governor, to the commissioner and to the [~~chairman of the state commission on quality of care for the mentally disabled~~] **executive director of the justice center for the protection of people with special needs**. In addition, each board shall ensure that a member or committee of members shall inspect the department facility once every three months without prior notice. A report on conditions may be submitted to the governor, to the commissioner or to the [~~chairman of the state commission on quality of care for the mentally disabled~~] **executive director of the justice center for the protection of people with special needs**. Each board member shall visit and inspect the facility at least twice during each calendar year. Within thirty days after the conclusion of each calendar year the president of the board of visitors shall noti-

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

(i) (1) Any member or members of the board may visit and inspect a family care home, which is within the catchment area of the hospital on the board of which such member or members serve. Such member or members shall be granted access to such facility and to all books, records and data pertaining to such facility deemed necessary for carrying out the purposes of such visit. Information, books, records or data which are confidential as provided by law shall be kept confidential and any limitations on the release thereof imposed by law upon the party furnishing the information, books, records or data shall apply to such member or members of the board. After any such visits or inspection, a report containing findings and recommendations may be submitted to the governor, to the commissioner or to [~~the state commission on quality of care for the mentally disabled~~] **the justice center for the protection of people with special needs**.

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

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

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

(n) Each member shall attend, within one year of the initial appointment or any subsequent reappointment, an orientation training program provided by the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs for members of boards of visitors. The [~~chairman of the commission on quality of care for the mentally disabled~~] executive director of the justice center for the protection of people with special needs shall notify the governor and the appointed member of any such member's failure to attend such a training program. A member who has failed to attend such a training program scheduled for such member shall be considered to have vacated [~~his~~] their office unless otherwise ordered by the governor within forty-five days after the notice.

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

(h) Each board or any member of the board may visit and inspect a state operated facility that is in the catchment area of the state operations region in which such member or members serve at any time without prior notice and may report on conditions to the governor, to the commissioner and to the [~~chairman of the state commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs and, subject to confidential information being redacted to protect the confidentiality of individuals in such facility, to the temporary president of the senate and to the speaker of the assembly. In addition, each board shall ensure that a member or committee of members shall inspect such facility once every three months without prior notice. A report on conditions may be submitted to the governor, to the commissioner or to the [~~chairman of the state commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs and, subject to confidential information being redacted to protect the confidentiality of individuals in such facility, to the temporary president of the senate and to the speaker of the assembly. Each board member shall visit and inspect any such facility at least twice during each calendar year. Within thirty days after the conclusion of each calendar year, the president of the board of visitors shall notify the governor, the commissioner, the [~~chairman of the commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs, and the state operations director, if any member of the board has failed to visit and inspect any such facility at least twice during that year. The president of the board of visitors shall send a copy of this notice by certified or registered mail return receipt requested to the member to whom it pertains. A member of a board of visitors who has failed to visit and inspect a facility at least twice a year shall be considered to have vacated [~~his or her~~] their office unless otherwise ordered by the governor within forty-five days after the end of the calendar year. The board

shall have the power to investigate all charges against the state operations director, and all cases of alleged patient abuse or mistreatment made against any employee, and shall have the power to interview patients and employees of the facilities in pursuit of such investigations. In conducting such an investigation, the board shall have the power, in accordance with the civil practice law and rules, to subpoena witnesses, compel their testimony, administer oaths to witnesses, examine witnesses under oath, and require the production of any books or papers deemed relevant to the investigation. A board or a member may include in the report or separately at any time any matter pertaining to the management and affairs of such facilities and may make recommendations to the governor, to the commissioner and to the [~~chairman of the state commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs. Each board member shall enter in a book, kept at each such facility for that purpose, the date of each visit.

(i) (1) Any member or members of the board may visit and inspect a family care home that is within the catchment area of the state operations region in which such member or members serve. Such member or members shall be granted access to such facility and to all books, records and data pertaining to such facility deemed necessary for carrying out the purposes of such visit. Information, books, records or data that are confidential as provided by law shall be kept confidential and any limitations on the release thereof imposed by law upon the party furnishing the information, books, records or data shall apply to such member or members of the board. After any such visits or inspections, a report containing findings and recommendations may be submitted to the governor, to the commissioner or to the [~~state commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs and subject to confidential information being redacted to protect the confidentiality of individuals in such facility to the temporary president of the senate and to the speaker of the assembly.

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

(n) Each member shall attend, within one year of the initial appointment or any subsequent reappointment, an orientation training program provided by the [~~commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center for the protection of people with special needs for members of boards of visitors. The [~~chairman of the commission on quality of care and advocacy for persons with disabilities~~] executive director of the justice center

for the protection of people with special needs shall notify the governor and the appointed member of any such member's failure to attend such a training program. A member who has failed to attend such a training program scheduled for such member shall be considered to have vacated [~~his~~] their office unless otherwise ordered by the governor within forty-five days after the notice.

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

§ 16.13 Duties of providers of services.

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

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

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

(c) Cooperating with the commissioner or his or her 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 [~~chair of such commission~~] executive director of the justice center in any investigation or inspection conducted by the office or [~~such commission~~] the justice center.

(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 [~~chair of such commission~~] executive director of the justice center to inspect its facility and all books and records, including financial records and client records, kept by it and to interview and examine any client at its facility except that no such client may be examined against [~~his or her~~] their will.

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

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

3. "substantiated report" shall mean that, after investigation, the [~~commission on quality care and advocacy for persons with disabilities~~] justice center for the protection of people with special needs or the office has determined, in writing, that a report filed by [~~such commission~~] the justice center, by the office, or by a provider certified by the office, meets the criteria of abuse or serious neglect, as defined in this section, of a patient or consumer in a program licensed, operated, or certified by the office and that the report and credible information submitted support the relevant allegations in the report or shall

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

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

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

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

§ 31.11 Certain duties of providers of services.

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

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

2. making such reports as are necessary to provide notification to the district attorney or other appropriate law enforcement official and the commissioner or [~~his or her~~] their authorized representative as soon as possible, or in any event within three working days, if it appears that a crime may have been committed against a patient receiving services from such provider, unless it appears that the crime includes an employee, intern, volunteer, consultant, contractor, or visitor and the alleged conduct caused physical injury or the patient was subject to unauthorized sexual contact, or if it appears the crime is endangering the welfare of an incompetent or physically disabled person pursuant to section 260.25 of the penal law, or if the crime was any felony under state or federal law, then the district attorney or other appropriate law enforcement official must be contacted immediately, and in any event no later than twenty-four hours and such other reports, uniform and otherwise, as are required by the commissioner or [~~his or her~~] their authorized representative with respect to its operations. If there is reasonable cause to believe that the crime against the client may have occurred in a facility or program of any other service provider licensed, certified, funded or operated by a state agency, the administrator or chief executive officer of such other service provider shall also be notified as soon as possible, or in any event within three working days. Provided however, nothing herein shall require such report to an administrator or chief executive officer of a provider who is alleged to have committed the crime. The commissioner may execute a memorandum of understanding with the commissioners of other appropriate state agencies to ensure the coordination and cooperation of such agencies and providers of services with regard to the conduct of any investigation and prevention of unnecessary duplicative investigations resulting from the report of an alleged crime that may have occurred in a facility or program of another service provider. Information obtained by the commissioner or the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs from the records of patients receiving services shall be kept confidential in accordance with the provisions of this chapter.

3. cooperating with 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 [~~chair of such commission~~] executive director of the justice center in any investigation or inspection conducted by the department of mental hygiene or [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs.

4. 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 [~~chair 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 such patient may be examined against [~~his or her~~] their will.

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

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

§ 32.17 Certain duties of providers of services.

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

(a) complying with the provisions of this chapter, other applicable federal, state, and local laws, rules, and regulations, and the regulations of the commissioner.

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

(c) cooperating with 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 in any investigation or inspection conducted by the department or [~~commission on quality of care for the mentally disabled~~] the justice center for the protection of 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

and otherwise coordinating the state's policies with respect to traumatic brain injury, in consultation with the office for people with developmental disabilities, the office of mental health, the department of education, the office of [~~alcoholism and substance abuse services~~] addiction services and supports, the department of social services, the office of the advocate for the disabled and the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs.

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

2. The department, after consultation with the division for youth, the division of criminal justice services, the department of mental hygiene, the [~~commission on quality of care for the mentally disabled~~] justice center for the protection of people with special needs and the state education department shall develop guidelines to be utilized by appropriate state and local governmental agencies and authorized agencies as defined by subdivision ten of section three hundred seventy-one of this article which have responsibility for the care and protection of children, in evaluating persons who have a criminal conviction record and who have applied to such agencies or provider agencies, as defined in subdivision three of section four hundred twenty-four-a of this title for employment or who have applied to such state agencies or licensing agency as defined in subdivision four of section four hundred twenty-four-a of this title, for a license, certificate, permit or approval to be an adoptive parent, provider of day care services in a day care center, family day care home or group family day care home, an operator of a camp subject to the provisions of article thirteen-B of the public health law, or an operator of a foster family home subject to the provisions of subdivision seven of section five hundred one, section five hundred two or subdivision three of section five hundred thirty-two-a of the executive law or section three hundred seventy-six and three hundred seventy-seven of this article.

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

1. The council, in accordance with section 7.43 of the mental hygiene law, shall assist the commissioner of mental health with the implementation of the children's plan, developed pursuant to chapter six hundred sixty-seven of the laws of two thousand six. State child-serving agencies involved in the development of such plan shall assist, as needed, with such plan's implementation and such agencies shall sign off on all future reports and plans. Such agencies shall include, but not be limited to, the office of mental health, the office for people with developmental disabilities, the office of [~~alcoholism and substance abuse services~~] addiction services and supports, the [~~commission on quality of care and advocacy for persons with disabilities~~] justice center for the protection of people with special needs, the office of children and family services, the state education department, the department of health, and the department of probation and correctional alternatives.

§ 15. This act shall take effect immediately.

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