

# STATE OF NEW YORK

5406

2025-2026 Regular Sessions

## IN SENATE

February 21, 2025

Introduced by Sens. HARCKHAM, GALLIVAN, LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the social services law, in relation to requiring all state and private agencies with mandatory reporters of incidents involving vulnerable people to retrain all staff on reporting to a 9-1-1 operator and the county district attorney's office

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

1 Section 1. Section 491 of the social services law, as added by section  
2 1 of part B of chapter 501 of the laws of 2012, paragraph (d) of subdivi-  
3 sion 1 as added by chapter 391 of the laws of 2023, subdivision 4 as  
4 amended by chapter 126 of the laws of 2014 and subdivision 5 as added by  
5 chapter 422 of the laws of 2017, is amended to read as follows:

6 § 491. Duty to report incidents. 1. (a) Mandated reporters shall  
7 report allegations of reportable incidents to a 9-1-1 operator, the  
8 county district attorney's office and the vulnerable persons' central  
9 register as established by section four hundred ninety-two of this arti-  
10 cle and in accordance with the requirements set forth therein.

11 (b) Allegations of reportable incidents shall be reported immediately  
12 to a 9-1-1 operator, the county district attorney's office and the  
13 vulnerable persons' central register upon discovery. For purposes of  
14 this article, "discovery" occurs when the mandated reporter witnesses a  
15 suspected reportable incident or when another person, including the  
16 vulnerable person, comes before the mandated reporter in the mandated  
17 reporter's professional or official capacity and provides the mandated  
18 reporter with reasonable cause to suspect that the vulnerable person has  
19 been subjected to a reportable incident. A report to the register shall  
20 include the name, title and contact information of every person known to  
21 the mandated reporter to have the same information as the mandated  
22 reporter concerning the reportable incident. [~~Nothing in this subdivi-~~

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

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~~1 sion shall be construed to prohibit a mandated reporter from contacting  
2 or reporting to law enforcement or emergency services before or after  
3 reporting to the vulnerable persons' central register.]~~

4 (c) The substance or content of any psychological, psychiatric, thera-  
5 peutic, clinical or medical reports, evaluations or like materials or  
6 information pertaining to the treatment of a patient or client of a  
7 mandatory reporter who reports a reportable incident of such patient or  
8 client pursuant to this article, must be provided by such mandatory  
9 reporter upon request of the justice center for the protection of people  
10 with special needs if such records are essential for a full investi-  
11 gation of such allegation, notwithstanding any applicable privilege  
12 which would otherwise bar the disclosure of such materials and records  
13 pursuant to article forty-five of the civil practice law and rules or  
14 other provision of law except applicable federal law governing the  
15 disclosure of patient and related medical records.

16 (d) Every mandated reporter is required to make a report to the regis-  
17 ter as outlined in paragraph (b) of this subdivision unless (i) the  
18 reporter has actual knowledge that the reportable incident has been  
19 reported to the register; and (ii) that the reporter has been named as a  
20 person with knowledge of the incident in such prior report.

21 2. Any person or official required to report allegations of reportable  
22 incidents pursuant to this section may take or cause to be taken color  
23 photographs of visible trauma and the face of the vulnerable person  
24 named in the report and upon the consent of a person authorized to  
25 consent to medical care for the vulnerable person, shall, if medically  
26 indicated, cause to be performed a radiological examination of the  
27 vulnerable person. Any photographs or radiological examinations taken  
28 shall be provided to the justice center for use only for the purposes of  
29 an investigation of a reportable incident.

30 3. (a) Any human services professional required by this article to  
31 report a case of suspected abuse or neglect to a 9-1-1 operator, the  
32 county district attorney's office and the vulnerable persons' central  
33 register who knowingly and willfully fails to do so shall be guilty of a  
34 class [~~A misdemeanor~~] E felony.

35 (b) A mandated reporter who knowingly and willfully fails to report a  
36 case of suspected abuse or neglect to a 9-1-1 operator, the county  
37 district attorney's office and the vulnerable persons' central register  
38 may be subject to termination, subject to any applicable collective  
39 bargaining agreement. Any person or official required by this article to  
40 report a case of suspected abuse or neglect to a 9-1-1 operator, the  
41 county district attorney's office and the vulnerable persons' central  
42 register who knowingly and willfully fails to do so shall be civilly  
43 liable for the damages proximately caused by such failure.

44 4. A medical or other public or private institution, state agency,  
45 school, facility or provider agency or its vendors or contractors shall  
46 not take any retaliatory personnel action, as such term is defined in  
47 paragraph (e) of subdivision one of section seven hundred forty of the  
48 labor law, against an employee or agent or vendor or contractor because  
49 such employee or agent or vendor or contractor believes that [~~he or she~~]  
50 such person has reasonable cause to suspect that a vulnerable person has  
51 been subjected to a reportable incident and that employee or agent or  
52 vendor or contractor therefore makes a report in accordance with this  
53 section and/or cooperated with the investigation of a reportable inci-  
54 dent. A court of competent jurisdiction may grant injunctive relief to  
55 any person determined to have been subjected to such retaliation.

1 5. State oversight agencies shall ensure that all facilities or  
2 provider agencies operated, licensed, or certified by such state over-  
3 sight agencies have policies and procedures in place to identify and  
4 report possible crimes against a service recipient by a custodian. State  
5 oversight agencies shall provide guidance to facilities or provider  
6 agencies operated, licensed, or certified by such state oversight agen-  
7 cies that do not already have policies and procedures for the identifi-  
8 cation and reporting of possible crimes.

9 6. All state and private agencies with mandatory reporters shall  
10 retrain all staff on reporting to a 9-1-1 operator and the county  
11 district attorney's office and all state and private websites, training  
12 manuals, informational brochures or pamphlets directing reporting shall  
13 state that such instances be reported to a 9-1-1 operator and the county  
14 district attorney's office. All former posters and wallet cards and any  
15 other information directing reporting of crimes and emergencies to the  
16 justice center shall be removed and replaced by 9-1-1 reporting posters,  
17 wallet cards and all other sources that shall be located conspicuously  
18 in a timely manner.

19 § 2. This act shall take effect immediately.