§ 492. Vulnerable persons' central register. 1. There shall be established in the justice center a statewide vulnerable persons' central register. The register shall: (a) receive reports of allegations of reportable incidents involving persons receiving services in facilities or provider agencies subject to the requirements of this article; (b) as warranted, refer reports alleging crimes to appropriate law enforcement authorities; (c) notify appropriate persons and officials of received and accepted reports; and (d) maintain an electronic database of each report and the finding associated with each report. In accordance with this section, the executive director shall establish standards and procedures for the operation of the vulnerable persons' central register.

2. (a) The vulnerable persons' central register shall be staffed by persons with at least a baccalaureate or equivalent college degree in a relevant field of study or at least two years of experience in the direct provision of services, adult or child protective services, and any other qualifications identified by the executive director. Direct service provision shall include the care, investigation, assessment, treatment, or case planning for persons in facilities or programs covered by this article or equivalent facilities or programs. Vulnerable persons' central register staff also shall have access to appropriate law enforcement officers or others with law enforcement experience who shall assist in screening reports that appear to allege criminal offenses and help refer reports, as warranted, to appropriate law enforcement authorities.

(b) The vulnerable persons' central register shall receive reports of allegations of reportable incidents twenty-four hours per day, seven days a week. Mandated reporters shall make such reports in accordance with section four hundred ninety-one of this article; provided, however, any person who has reasonable cause to suspect that a person receiving services has been subjected to a reportable incident may make such a report. In no event shall a report by a mandated reporter to the vulnerable persons' central register eliminate the obligation of a mandated reporter to report incidents in accordance with the applicable laws, regulations and policy of the applicable state oversight agency.

(c) Reports of allegations of reportable incidents shall be submitted,

by a statewide, toll-free telephone number (a "hotline") or by electronic transmission, in a manner and on forms prescribed by the executive director. The information required on the reporting form shall include but is not limited to: the name and contact information of the person or persons making the report, if available, and, if the report is made by a custodian, any other staff who have the same information; the name and address of the facility or provider agency; the date, time, specific location and description of the incident; the name and contact information of the subject of the reportable incident, if known; the name of the vulnerable person alleged to have been subjected to a reportable incident; the names of personal representatives for the vulnerable person who is alleged to have been subjected to a reportable incident, if known; and any other information or documentation that the executive director believes may be helpful. The inability of a person making a report to identify a subject shall, in no circumstance, constitute cause to reject such allegation for investigation or to fail to refer such allegation for corrective action. The hotline shall accept anonymous calls.

3. (a) When any allegation that could reasonably constitute a reportable incident is received by the register, the register shall accept and immediately transmit notice of the report orally or electronically to the appropriate state oversight agency and, as appropriate, to the director or operator of that facility or provider agency.

(b) Whenever a telephone call or electronic transmission to the vulnerable persons' central register alleges an act or circumstances that may constitute a criminal offense or an immediate threat to a vulnerable person's health, safety or welfare, the register shall convey, by the most expedient means available, the information contained in such call or transmission to the appropriate law enforcement agency or district attorney and, to the extent necessary, the appropriate emergency responder, and the state oversight agency.

(c) The justice center is responsible for commencing an investigation of all allegations of reportable incidents that are accepted by the vulnerable persons' central register. With respect to such an investigation, the justice center shall:

(i) upon acceptance of a report of a reportable incident by the vulnerable persons' central register, promptly commence an appropriate investigation;

(ii) take all appropriate measures to protect the life and health of the person who is the alleged victim of a reportable incident, which may include working with the state oversight agency to take immediate steps to remove the vulnerable person from his or her current facility or program or to remove or suspend a subject from a facility or program, subject to any applicable collective bargaining agreement, if the justice center has reasonable cause to believe that the circumstances or condition of the vulnerable person are such that continuing the vulnerable person in his or her place of residence or program, or that continuing such subject in his or her current facility or program, presents an imminent danger to the vulnerable person's life or health;

(iii) determine whether the subject of the report is currently the subject of an open or substantiated report in the vulnerable persons' central register;

(iv) contact the statewide central register of child abuse and maltreatment to determine whether the subject of the report has been or is currently the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment;

(v) if it is discovered that the subject of a report has one or more substantiated reports of abuse or neglect or indicated reports of child abuse or maltreatment in the statewide central register of child abuse and maltreatment and an investigation was or investigations were conducted by a different state agency, or a local child protective service, contact all known agencies or services who investigated such previous report or reports to obtain information on such reports in accordance with section four hundred ninety-six of this article;

(vi) notify the personal representative of the person alleged to have been abused or neglected and, except in the case of a criminal investigation, or if the executive director or his or her designee determines that doing so would interfere with any ongoing investigation, notify the subject or subjects of the report and any other persons named in the report in writing of the existence of the report; provided, however, that such notification may be limited in accordance with

subdivision (c) of section 33.16 of the mental hygiene law;

(vii) if a report of a reportable incident to the vulnerable persons' central register involves the death of a person, the justice center shall give telephone notice and immediately send a copy of the report to the appropriate district attorney and to the medical examiner or coroner. The medical examiner or coroner shall conduct a prompt investigation and shall forward a preliminary written report of his or her findings within sixty days of the date of death, absent extraordinary circumstances, and his or her final written report promptly, absent extraordinary circumstances, to the appropriate district attorney, the appropriate law enforcement official, the state agency responsible for overseeing the investigation, the justice center medical review board and, if the death occurred in a hospital, the hospital;

(viii) submit reportable incident findings to the vulnerable persons' central register in accordance with section four hundred ninety-three of this article;

(ix) notify the applicable state oversight agency and the director or operator, where appropriate, to develop a plan of prevention or remediation that the facility or program must implement in response to the report's findings which must be approved and its implementation monitored by the justice center or the state oversight agency, as appropriate; and

(x) refer suspected cases of falsely reporting abuse or neglect in violation of subdivision four of section 240.50 of the penal law to the appropriate law enforcement agency or district attorney for investigation and prosecution.

(d) Whenever a telephone call or electronic transmission to the vulnerable persons' central register cannot be accepted as a report, but the information provided alleges other potential wrongdoing at a facility or provider agency, the register shall forward the report to the applicable state oversight agency for investigation and protective actions, as needed, pursuant to section four hundred ninety-one of this article.

4. The justice center shall maintain and keep up-to-date records of all incidents reported, together with any additional information

obtained during an investigation of such a report and a record of the final disposition of the report.

5. The vulnerable persons' central register shall maintain an electronic database of all accepted reports of reportable incidents. State oversight agencies shall have access to information in the database, limited to cases involving facilities or provider agencies under their jurisdiction.

(a) A unique identifier shall be assigned to each report by the vulnerable persons' central register.

(b) The register shall include the following information for each report: a record of the final disposition of the report; the names and identifying data; dates and circumstances of any person requesting or receiving information from the register; whether the person making the report authorized the disclosure of his or her name and personally identifiable information; and any other information that the executive director, in consultation with the commissioners of the state oversight agencies covered by this article, identifies as furthering the purposes of this article and complying with state and federal regulations regarding the security and confidentiality of individually identifying health information.

6. The justice center shall review such electronic database to identify incident patterns and trends, and implement preventive and corrective actions, and to identify patterns and trends in the reporting and response to allegations of reportable incidents and develop plans of improvement based on such reviews.

7. (a) General information about the existence and purposes of the vulnerable persons' central register and how to make a report to the register shall be made available on the website of the justice center, with links to such information provided on the websites of each of the state oversight agencies covered by this article.

(b) The justice center, in collaboration with the state oversight agencies covered by this article, shall develop and widely distribute written information explaining the reporting requirements and processes consistent with this article. In addition, upon a vulnerable person's

commencement of the receipt of services by a facility or a provider agency, personal representatives shall be provided with such information, and such information shall be made available upon request to any person.

(c) The justice center, in collaboration with the state agencies operating, licensing or certifying facilities or the provider agencies covered by this article, shall provide mandated reporters with written information explaining the reporting requirements in accordance with this article.

(d) The justice center shall develop and implement programs to publicly recognize and value the contributions of reporters of allegations of reportable incidents whose actions prompt corrections and improvements in the service system; provided, however, that the name and other personally identifiable information of such reporter shall not be shared unless such person authorizes disclosure.

8. In a case where a subject of a report of alleged abuse or neglect resigns from his or her position or is terminated while under investigation, the state operating agency or the applicable facility or provider agency shall promptly report such resignation or termination to the justice center. The investigation of the report shall continue despite the resignation or termination of such subject.