§ 495. Register of substantiated category one cases of abuse or neglect. 1. The justice center shall develop and maintain a register of subjects of reports who have been found to have a substantiated category one case of abuse or neglect, in accordance with paragraph (a) of subdivision four of section four hundred ninety-three of this article, and who have: (a) not requested an amendment of the findings of the report in the time specified in subdivision one of section four hundred ninety-four of this article; or (b) been heard pursuant to such subdivision and all the findings of the report were not amended to be unsubstantiated.

2. All facility and provider agencies, other providers of services to vulnerable persons in programs licensed, certified or funded by any state oversight agency and other provider and licensing agencies as defined in subdivision three or four of section four hundred twenty-four-a of this chapter shall check the register of substantiated category one cases of abuse or neglect before determining whether to hire or otherwise allow any person as an employee, administrator, consultant, intern, volunteer or contractor who will have the potential for regular and substantial contact with a service recipient or before approving an applicant for a license, certificate, permit or other approval to provide care to a service recipient. (For state entities bound by collective bargaining, such action established by collective bargaining shall govern.)

3. If a person is listed on the register of substantiated category one cases of abuse or neglect, a facility or provider agency and all other providers of services to vulnerable persons in programs licensed or certified by any state oversight agency shall not hire such a person to have regular and substantial contact with a service recipient in any such facility or program. Other providers or licensing agencies as defined in subdivision three or four of section four hundred twenty-four-a of this chapter shall determine whether to hire or allow such a person to have regular or substantial contact with a service recipient in accordance with the provisions of subdivision five of section four hundred twenty-four-a of this chapter.

4. A custodian shall be subject to immediate termination if he or she is convicted of any crime as defined in subdivision six of section 10.00 of the penal law that relates directly to the abuse or neglect of a vulnerable person, or is placed on the register of substantiated category one cases of abuse or neglect. (For state entities bound by collective bargaining, such action established by collective bargaining shall govern.)

5. Placement on the register shall be permanent, unless the office is officially notified of the individual's death.

6. Nothing in this article shall diminish the rights or remedies otherwise available under law, regulation or appropriate collective bargaining agreements of any facility or provider agency with respect to the termination or discipline of employees.