

LAWS OF NEW YORK, 2017

CHAPTER 459

AN ACT to amend the social services law, in relation to death and felony crime reports in certain adult care facilities

Became a law December 18, 2017, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

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

Section 1. Section 461-m of the social services law, as amended by section 14 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

§ 461-m. Death and felony crime reporting. The operator of an adult home, enriched housing program or residence for adults shall have an affirmative duty to report any death, or attempted suicide of a resident to the department of health within twenty-four hours of its occurrence, and shall also have an affirmative duty to report to an appropriate law enforcement authority if ~~[it is believed that]~~ the operator discovers an incident that the operator believes or reasonably should believe would constitute a felony crime ~~[may have been committed]~~ against a resident of such facility as soon as possible, or in any event within ~~[forty-eight]~~ twenty-four hours. In addition, ~~[the]~~ any operator of a facility defined in section four hundred eighty-eight of this chapter that is subject to this section, shall, in addition, send any reports involving a resident who had at any time received services from a mental hygiene service provider to the justice center for the protection of people with special needs within twenty-four hours of the occurrence of the death or attempted suicide or of the discovery of an incident that the operator believed or reasonably should have believed to be a felony crime.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law; provided however, that the commissioner of health may adopt, amend, suspend or repeal any regulations or take other actions necessary to enforce or implement the law prior to and in preparation for the taking effect of the law; and provided further that such adoption, amendment, suspension or repeal of regulations shall not have legal effect until the law takes effect.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOHN J. FLANAGAN
Temporary President of the Senate

CARL E. HEASTIE
Speaker of the Assembly

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

APPROVAL MEMORANDUM - No. 35 Chapter 459

MEMORANDUM filed with Assembly Bill Number 2702, entitled:

"AN ACT to amend the social services law, in relation to death and family crime reports in certain adult care facilities"

APPROVED

Under current law, operators of certain adult care facilities, such as adult homes and residences for adults, are required to report any death of a resident, or any felony committed against a resident, to the Department of Health. This bill would require a third category of adult care facilities, enriched housing programs that provide residential care in community-integrated based settings, to abide by these reporting requirements, thus increasing the protections for vulnerable adults residing in these facilities.

As originally drafted, however, there are technical concerns that would make the legislation difficult to implement effectively. The Executive has secured an agreement with the Legislature to pass legislation in the upcoming session to address these concerns. On this basis, I am signing this bill.

This bill is approved.

(signed) ANDREW M. CUOMO
