



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Passes Protection of People WITH Special Needs Act

DEAN G. SKELOS May 16, 2012

The New York State Senate today passed the Protection of People With Special Needs Act, which reforms and strengthens protections for more than one million state residents with special needs. The bill (S.7400), sponsored by Senator Roy McDonald (R-C-I, Saratoga), will enhance the safeguards for children and adults who are particularly vulnerable to abuse and neglect and receive care from New York's human service agencies and programs.

Senator McDonald said, "This legislation is the first step towards protecting individuals with disabilities from abuse and neglect in facilities across the state. It's our responsibility as elected officials to stand up for the state's most vulnerable residents. I say this not just as a Senator, but as a grandfather to two boys with autism."

"Abuse and neglect are never acceptable, but when it takes place in the facilities established for the care of our most vulnerable citizens, it is all the more deplorable," Senate Majority Leader Dean G. Skelos said. "The Senate is acting swiftly on Governor Cuomo's legislation to bring about needed reform and further prevent harm from coming to our residents with special needs."

Last week, Governor Andrew M. Cuomo proposed the legislation which establishes the Justice Center for the Protection of People with Special Needs; creates standard definitions for “abuse” and “neglect; strengthens statutes that make abuse of vulnerable or disabled persons a crime; and promotes transparency by requiring non-state operated and provider agencies to disclose the same records relating to abuse and neglect as state agencies are required to under the Freedom of Information Law.

Responsibilities for the new Justice Center for the Protection of People with Special Needs would include:

- Ensuring that allegations of abuse and neglect are promptly, fully and effectively investigated, reported and prosecuted;
- Operating a statewide 24-hour hotline staffed by trained personnel to which mandated reporters will be required to report allegations of abuse and neglect;
- Requiring providers to implement corrective action plans to prevent future incidents of abuse and neglect;
- Developing a register that will contain the names of individuals found responsible for egregious or repeated acts of abuse or neglect, and barring such individuals from future employment in the care of people with special needs;
- Conducting the criminal history background checks for people applying to be an employee, volunteer or consultant at any facilities or provider agencies operated, licensed or certified by OMH, OPWDD, OASAS or OCFS;

- Providing oversight of the human services system, conducting death and abuse investigations, and identifying risks and best practices to promote improved quality of care for people with special needs; and
- Developing codes of conduct to which all workers who have regular contact with people with special needs must subscribe.

The bill will be sent to the Assembly.

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