



NEW YORK STATE SENATOR

Andrea Stewart-Cousins

Senate Approves Measure to Improve Oversight of Facilities Serving People with Special Needs

ANDREA STEWART-COUSINS May 25, 2012

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State Senator Andrea Stewart-Cousins (D/I/WF – 35th District) voted in favor of Senate bill 7400, which creates a new state investigative and oversight agency known as the Justice Center for the Protection of People with Special Needs. The Center would be responsible for ensuring that individuals served by residential facilities and day programs operated, licensed, or certified by six state agencies are protected from abuse or neglect.

“We must ensure that our most vulnerable citizens live and learn in a safe environment,” stated Senator Stewart-Cousins. “With the creation of a regulatory agency with investigative and oversight authority, licensed facilities and programs serving individuals with special needs will be monitored and held accountable should any abuses occur.”

Specific provisions of the legislation include:

- o Establishing and operating a statewide toll-free hotline to which mandated reporters would be required to submit allegations of abuse and neglect. The Center would be responsible for communicating such reports to law enforcement, where appropriate, and investigating those reports.

- o Ensuring that allegations of abuse and neglect are promptly, fully, and effectively investigated and are reported to law enforcement when appropriate
- o Developing common standards for investigations and requirements to be used to train investigators.
- o Ensuring that individuals who are responsible for abuse and neglect of people with special needs are held accountable.
- o Conducting criminal background checks for any person applying to be an employee, volunteer, or consultant at any facility or provider agencies operated, licensed, or certified by the State Office of Mental Health, Office of People with Developmental Disabilities, Office of Alcohol and Substance Abuse, or Office of Children and Family Services.
- o Requiring that employees found by the Center to have committed serious acts of abuse or neglect would be subject to immediate termination.
- o Establishing a Vulnerable Persons' Central Registry and database within the center to monitor investigations including the results of investigations
- o Establishing a 15 member medical review board tasked with investigating the causes and circumstances surrounding deaths from other than natural causes
- o Developing a code of conduct to guide the behavior of those who have regular contact with vulnerable persons who reside in or receive services residential facilities or programs
- o Increasing criminal penalties for endangering the welfare of people with special needs and strengthening a prosecutor's ability to prove that any of these individuals were victims of abuse or neglect.

“Too many individuals with special needs have suffered from abuse or neglect in State run facilities. We, as lawmakers must work to ensure our most vulnerable citizens and their families receive quality care in a safe environment,” concluded Senator Stewart-Cousins.

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