



NEW YORK STATE SENATOR

Dean G. Skelos

Senate to Act Next Week on Protection of People WITH Special Needs Act

DEAN G. SKELOS May 9, 2012

Senate Majority Leader Dean G. Skelos today announced that the Senate will act next week on legislation to reform and strengthen protections for more than one million state residents with special needs who are served by facilities and programs operated, licensed and certified by State agencies.

The Protection of People With Special Needs Act ([S.7400](#)), was submitted by Governor Cuomo and is sponsored by Senator Roy McDonald (R-C-I, Saratoga), Chairman of the Senate Committee on Mental Health and Developmental Disabilities. The bill will enhance the safety net for children and adults who receive care from New York's human service agencies and programs and are particularly vulnerable to abuse and neglect.

"The shocking allegations of abuse and neglect of our most vulnerable citizens cannot continue and they demand quick and effective action. In response to these incidents, the Governor put forward legislation that will protect New York's most vulnerable citizens and provide peace of mind for the family, friends and loved ones of those affected. We have a moral obligation to act swiftly and decisively, therefore the Senate will take up this important legislation next week," Senate Majority Leader Dean Skelos said.

"My mission is to protect the people who cannot protect themselves and to bring to justice any people who would abuse them," Senator McDonald said. "Most of the people charged with caring for these vulnerable individuals are kind, caring and hard working. Unfortunately, there are a few people in our society who abuse these individuals. Working with the Governor, we have developed a comprehensive and effective plan to ensure stronger protections and accountability that the Senate will take up next week."

The legislation includes the following provisions that would create standard definitions for "abuse" and "neglect;" create the Justice Center for the Protection of People with Special Needs; Strengthen criminal statutes that make abuse of vulnerable or disabled persons a crime; and promote 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 bar 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.

“This legislation represents a significant reform effort to change a system that is badly in need of stronger oversight and accountability and stronger protections for children and adults that depend on that system for care,” Senator Skelos said.