



NEW YORK STATE SENATOR

Thomas F. O'Mara

Legislature approves "Protection of People With Special Needs Act"

THOMAS F. O'MARA June 20, 2012

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Albany, N.Y., June 20—New York State Senator Tom O'Mara (R-C, Big Flats) today voted in favor of legislation approved by the Senate and Assembly to enact the “Protection of People With Special Needs Act” 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 agreed-upon legislation now goes to Governor Andrew Cuomo to be signed into law.

The action follows a series of reports by the *New York Times* and subsequent internal Cuomo administration investigations over the past year involving long simmering allegations of abuse and neglect of the mentally ill, disabled, elderly and other patients with special needs at state-run group homes, hospitals and other facilities.

“We’ve been given a troubling look inside the operations of state facilities whose mission, above all else, is to take care of and protect their patients. But there’s been a lack of discipline and oversight that’s apparently festered in far too many places over far too many years prior to the beginning of this governor’s watch. So we have to take these steps to put in place a stronger safety net. We have a responsibility to ensure that the care and safety of patients at state facilities is restored as the absolute priority,” said O’Mara. “This legislation will establish the strongest standards and practices in the nation for protecting people with special needs and disabilities.”

Cuomo released the following statement: "For too many years, we have heard story after story of abuse and mistreatment in facilities that are supposed to care for those with special needs and disabilities. With the legislation passed today, New York is standing up to say enough is enough. The Justice Center for the Protection of People with Special Needs will ensure that the more than one million New Yorkers with disabilities and special needs receive the proper treatment that they deserve. Protecting the civil rights of vulnerable individuals was one of my top priorities this legislative session, and with this new law, New York State has raised the bar to put in place the strongest standards and practices in the nation for protecting people with special needs. I thank the thousands of New Yorkers, including my colleagues in the Senate and Assembly, who joined in the fight to take action and bring justice to the system. Without their help, the passage of this important legislation would not have been possible."

Beginning last year, the *Times* undertook an investigation into "widespread allegations of abuse and neglect at facilities overseen by the State Office for People with Developmental Disabilities." The Times investigation led the governor to quickly call for internal reviews and an accompanying report involving six state agencies including the Office for People with Developmental Disabilities, and the offices of Mental Health, Children and Family Services, and Alcoholism and Substance Abuse Services. The report, "The Measure of a Society: Protection of Vulnerable Persons in Residential Facilities Against Abuse and Neglect" was made public last month and can be found at:

<http://www.governor.ny.gov/assets/documents/justice4specialneeds.pdf>.

The approved legislation (S.7749/A.10721) proposes to 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. It will create a new oversight agency, the Justice Center for the Protection of People with Special Needs, and strengthen criminal statutes that make abuse of vulnerable or disabled persons a crime. Among other provisions it will also:

- > ensure that allegations of abuse and neglect are promptly, fully and effectively investigated, reported and prosecuted;
- > establish the operation of a statewide 24-hour hotline staffed by trained personnel to whom mandated reporters will be required to report allegations of abuse and neglect;
- > require providers to implement corrective action plans to prevent future incidents of abuse and neglect;
- > conduct criminal history background checks for people applying to be an employee, volunteer or consultant at facilities or provider agencies; and

> develop codes of conduct to which all workers who have regular contact with people with special needs must subscribe.