



NEW YORK STATE SENATOR

Joseph A. Griffo

## Griffo: Senate Approves Creation of New Agency to Help Persons With Disabilities

JOSEPH A. GRIFFO June 20, 2012

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### **Senate Passes Bill to Reform New York's Care of People With Special Needs and Disabilities Legislation Creates the Justice Center for the Protection of People with Special Needs to Prevent, Investigate and Prosecute Abuse and Neglect of Vulnerable New Yorkers**

(Albany) - State Senator Joseph A. Griffo (R-C-IP, Rome) said today that the Senate passed sweeping legislation that will transform how New Yorkers with special needs and disabilities are protected. The bill (S7749) is part of a three-way agreement between the Senate, Assembly and Governor Cuomo to establish the strongest standards and practices in the nation for protecting individuals in state operated, certified or licensed facilities and programs.

“When the Governor announced that he wanted to prioritize establishing a new agency charged with faster recognition and resolution of abuse and maltreatment of those with special needs, I was cautiously skeptical,” said Griffo. “The current government organizations charged with this mission were showing signs of inefficiency, inconsistency and in some cases, incompetence. I’m pleased to say that the legislators and staff that came to a quick agreement on this initiative shared one thing in common – they shared an anger.” Griffo continued, “They shared an anger over more public reports of neglect, abuse and harassment of those in the care of the State-approved providers. The Justice Center will have much work

ahead of itself, but I'm confident that they will have all the legal and regulatory powers to begin meeting that challenge."

The bill strengthens and standardizes the safeguards for vulnerable children and adults who receive care from New York's human services agencies and programs. It creates a Justice Center for the Protection of People with Special Needs, a new entity that would cut across bureaucratic lines and have as its primary purpose and responsibility the protection of the health, safety and welfare of vulnerable persons. The Center would improve the state's response to allegations of abuse and neglect for individuals served in both residential and non-residential facilities, by:

- operating a statewide 24-hour hotline staffed by trained personnel to which mandated reporters would be required to report reportable incidents committed against people with special needs who are being served by State and private residential and non-residential facilities and programs;
- ensuring that allegations of abuse and neglect are promptly, fully and effectively investigated, including ensuring that, where appropriate, these incidents are reported to law enforcement and the wrongdoers prosecuted;
- developing common standards and requirements for investigations and trainings of investigators;
- ensuring that individuals who are responsible for abuse and neglect of people with special needs are held accountable;
- prosecuting abuse and neglect crimes committed against people with special needs

through concurrent authority with District Attorneys;

- requiring providers to implement corrective action plans to prevent future incidents of abuse and neglect;
- representing the State at all State employee disciplinary proceedings and at administrative proceedings related to substantiated allegations of abuse and neglect;
- requiring, where permitted by existing collective bargaining agreements, that individuals found responsible for serious or repeated acts of abuse or neglect be subject to termination, and imposing progressive discipline, including retraining, on employees responsible for less serious acts;
- 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 check function for any person applying to be an employee, volunteer or consultant for whom a criminal background check is required as a condition of employment at any facility or provider agency operated, licensed or certified by the Office of Mental Health, Office for People with Developmental Disabilities or Office of Children and Family Services;
- 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 bill also creates other protections for people with special needs by strengthening criminal statutes that make abuse of vulnerable or disabled persons a crime. It 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 do under the Freedom of Information Law.

The bill has been sent to the Assembly.