



New York Association of Psychiatric Rehabilitation Services, Inc.



NEW YORK STATE CARE MANAGEMENT COALITION



Therapeutic Communities Association of New York, Inc.

MEMORANDUM IN OPPOSITION S.4736-B (Lanza)/A.6830-A (Weprin)

The NYS Council for Community Behavioral Healthcare, Alcoholism and Substance Abuse Providers of New York State (ASAP), Association for Community Living (ACL), Coalition of Medication Assisted Treatment Providers and Advocates (COMPA), Friends of Recovery New York, Mental Health Association in New York State (MHANYS), New York Association of Psychiatric Rehabilitation Services, Inc. (NYAPRS), NYS Care Management Coalition, NYS Coalition for Children's Behavioral Health, NYS Conference of Local Mental Hygiene Directors, Inc. and Therapeutic Communities Association of New York, Inc. (TCA) all **strongly oppose Senate bill S.4736-B / Assembly bill 6830-A.**

This bill would amend section 491 of the social services law to mandate that all incidents already required to be reported to the Justice Center for the Protection of People with Special Needs also be reported to 911 operators and the county district attorney. This includes suspicious and unexplained injuries that don't require first responder intervention and may not involve the commission of a crime. This bill also increases the penalty for mandated reporters who fail to report such incidents to the Justice Center, 911 and the county district attorney, from a class A misdemeanor to a class E felony -- failure to make **all three calls** will subject a mandated reporter to a felony punishable by up to four years in state prison.

This level of reporting is not necessary since regulations and guidance are already in place requiring 911 to be called in the event a first responder is needed, and statute, regulation and guidance already require that the Justice Center be called for all emergencies and suspected cases of abuse, neglect plus a broad range of other kinds of issues. The Justice Center also has in place procedures to ask the caller if it is a 911 emergency and if so, checks that 911 was already called or instructs the caller to hang up and call 911, and then the Justice Center calls the person back to make sure 911 was contacted.

This bill would also place undue burden on an already stretched healthcare workforce, and would impose penalties that are far too harsh. The bill will only lead to over-reporting by direct support professionals, teachers, child care workers, health care workers and other mandated reporters for fear of receiving up to 4 years of prison time for failing to report even non-emergency situations to all three entities. This would only overburden an already stretched 911 system. In 2015, over 20 million emergency calls were placed to 911 call centers across New York.

Less than 1% of individuals protected by the reporting requirements of section 491 of the Social Services Law are associated with a substantiated abuse or neglect case. The Justice Center currently receives nearly 95,000 reports, including nearly 15,000 reports of abuse and neglect and nearly 36,000 significant incidents (an incident not considered abuse or neglect but which may potentially result in harm to the health, safety or welfare of a person receiving services, including any suspicious and unexplained injuries). This bill will not increase the safety of individuals served, rather it will divert emergency first responders, already facing manpower shortages and limited financial resources from real emergencies, including fires, life threatening health conditions, and actual criminal activity. It will force direct care staff to focus even more on reporting and less on supporting people and keeping them safe, and will discourage those who are already underpaid and overwhelmed from maintaining careers in our field, thereby increasing our crisis-level staff shortages.

For these reasons, we collectively oppose S.4736-B/A.6830-A and urge that it be defeated.