

Dear Colleague:

The Justice Center for the Protection of People with Special Needs (Justice Center) was recently created in response to the recognized need to strengthen and standardize the safety net for persons who receive care from New York State's human services agencies. It becomes operational on June 30, 2013.

Staff Exclusion List

The Act establishes in the Justice Center a Vulnerable Persons Central Register (VPCR) that will include a Staff Exclusion List (SEL) containing the names of individuals deemed ineligible to work in a position involving regular and substantial contact with a service recipient. The law requires that prior to requesting a criminal background check, the following entities shall check the SEL when considering an applicant for employment:

- 1) facilities and provider agencies, as defined in Social Services Law §488(4);
- 2) providers of services to persons in programs licensed, certified or funded by any State Oversight Agency as defined in Social Services Law §488(4-a); and
- 3) other providers or licensing agencies required to conduct an inquiry of the State Central Register of Child Abuse and Neglect (SCR).

The Justice Center will conduct this SEL check upon the request of a person authorized by the provider. The results of the SEL check shall be handled in accordance with Social Services Law §495(3). If the result of the SEL check does not prohibit an applicant from being hired, any provider required to conduct an SEL check shall also conduct an inquiry of the SCR through OCFS, and if authorized to do so, request a criminal background check through the Justice Center. While SED covered providers are not required to request the Justice Center to conduct a criminal background check on applicants, they are required to request a check of the SEL.

Provider Responsibilities

Providers must designate a person authorized to request the Justice Center to conduct a check of the SEL. Before determining whether to hire or otherwise allow a person who will have the potential for regular and substantial contact with a service recipient, this authorized person shall request the Justice Center to check the SEL. If an applicant is listed on the SEL, the facility or provider agency and all other providers of services to vulnerable persons in program licensed or certified by SED is required to deny the application in accordance with Social Services Law §495(3). If an applicant is not on the SEL, the authorized person shall make an inquiry of the SCR through the Office of Children and Family Services.

The Justice Center is actively working on creating the structure to manage this new system. To this end, we will strive, as decisions are made, to get information out to the affected provider community in a timely fashion. We are in the process of developing the Justice Center website, upon which we will post letters to the field, regulations, training information, FAQs and other relevant information as it becomes available. We would also encourage affected providers within the state to post this information on their own websites.

A link to Chapter 501 of the Laws of 2012 is provided below for your reference. We encourage you to read through this legislation, and to contact your State Oversight Agency with any specific questions or concerns.

Sincerely,

The Justice Center Project Team

<http://www.governor.ny.gov/assets/justice4specialneeds/LBDCinfo.htm>