



IMPORTANT: PLEASE READ CAREFULLY!

April 24, 2013

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 vulnerable persons who receive care from New York State's human services agencies. It becomes operational on June 30, 2013. The passage of the Protection of People with Special Needs Act (Act) now authorizes the New York State Office of Alcoholism and Substance Abuse Services (OASAS) to conduct criminal history information checks and make suitability determinations on all credentialing applications.

The Act also establishes a Vulnerable Persons Central Register (VPCR). The VPCR includes a Staff Exclusion List (SEL) which contains the names of individuals deemed ineligible to work in a position having regular and substantial contact with a service recipient. Under the law, OASAS will be required to request a check of the SEL when considering a credentialing application and prior to requesting the criminal history background check. If the result of the SEL check does not prohibit an applicant from moving forward in the credentialing process, the Act then requires that OASAS also check the State Central Registry for Child Abuse and Neglect.

Additionally, for all current and future credentialed professionals, there will be a significant change to existing criminal background check analysis. In the past, this information was gathered through the OASAS Credentialing Unit by request and consent. Beginning June 30, 2013, for all individuals seeking a credential, it will now be mandatory that this information be obtained, upon consent, through the New York State Division of Criminal Justice Services (DCJS) fingerprint based background check system. The fingerprints will be taken by a contractor, L1 Services/MorphoTrust, and submitted to DCJS. The results will then be forwarded directly to OASAS who will review the criminal history information for a determination regarding suitability for credentialing.

In some cases, a person may have a criminal background that does not rise to the level which would preclude being credentialed. OASAS will conduct these reviews consistent with Article 23-A of the Correction Law. There may be instances in which the criminal history information reveals an arrest or criminal charges without a final disposition. In those cases, the credential application will be held in abeyance until the charge is resolved.

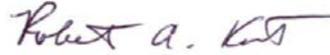
Prior to making a determination to deny an application, OASAS shall afford the individual with an opportunity to explain, in writing, why his or her application should not

be denied. There is no appeal process should the determination remain unchanged after OASAS reviews any additional materials submitted by the applicant. A credentialing application may be withdrawn at any time and all criminal history data destroyed upon the applicant's consent. Additionally, applicants have the right to obtain, review, and seek correction of such information in accordance with DCJS regulations.

OASAS is actively working on creating the structure to manage this new system. We are also in the process of developing a web page for the OASAS and Justice Center internet sites, upon which we will post letters to the field, regulations, training information, FAQs, and other relevant information as it becomes available. We will strive, as decisions are made, to get information out to the field in a timely fashion.

In the meantime, you may review Chapter 501 of the Laws of 2012 at www.governor.ny.gov/Justice4SpecialNeeds/home. We encourage you to check the OASAS website frequently for updates on the technological processes and systems by which this law will be implemented.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert A. Kent". The signature is written in a cursive style with a horizontal line extending to the right.

Robert A. Kent
General Counsel