

44 Holland Avenue
Albany, New York 12229

February 1, 2005

Dear Colleague:

This letter is the second of our series of informational letters to the field regarding the Office of Mental Health's (OMH) implementation of Chapter 575 of the Laws of 2004. Our first letter, dated January 3, 2005, was intended to provide general information to you about this statute and its rapidly approaching compliance date of April 1, 2005. As you now know, Chapter 575 requires that criminal history information be obtained from the Division of Criminal Justice Services (DCJS) before certain providers of mental health services can hire or engage prospective employees/volunteers who will have "regular and substantial unrestricted physical contact" with clients.

This second letter is intended to give you more specific information about your responsibilities regarding "Authorized Persons." Chapter 575 requires each provider subject to these requirements to specifically designate one "Authorized Person" (AP), who will be empowered on behalf of the provider to request criminal histories from DCJS and with whom OMH will share the results of its reviews of such information. In cases where the administrative/hiring structure of your agency is such that the designation of one AP is not feasible or the number of applicants expected is more than one person can reasonably handle, a provider may designate additional APs. Due to the highly confidential nature of the information that will be shared, it is critical that your AP(s) be high-level managers such as the Executive Director, Deputy Director or the Director of Human Resources.

There are specific statutory duties of the AP, and we encourage you to review Chapter 575 again to ensure you are familiar with them before you make your designation(s). When requesting criminal history information, each AP must sign and submit a sworn statement confirming the legal authority under which the information is being sought. This form will be developed and provided by OMH.

As part of our efforts to facilitate the fingerprinting requirements of Chapter 575, OMH is developing a Local Provider Applicant Registration System. The AP for your agency will use this system to enter applicant information and to track the status of the fingerprint process. We are designing this web-based registration system to be simple, requiring a minimal amount of data entry. However, to alleviate the input workload for the AP, the system will permit the designation of AP Agents for input purposes only. AP Agents will not be empowered to request criminal history information or to review the results of such requests. Additional information on the development and use of this process will be forthcoming in the very near future.

Enclosed with this letter is an "Authorized Person Designation Form" to be used for the purpose of notifying OMH of your agency's AP(s). The form contains your agency name,

address, and an agency code, which is the code currently used when submitting financial reports to OMH. Corrections to the information on the form should be made on the form itself. If you wish to accommodate additional AP designations, you may make copies of the form. Please return the completed and signed form as soon as possible, but no later than February 11, 2005 to Ms. Gail Meehan, Associate Personnel Administrator, NYS Office of Mental Health, HRM - Bureau of Criminal History Information, 44 Holland Avenue, Albany, New York 12229.

We will continue to post information on this initiative on the OMH Fingerprint Initiative web-site, which you can access by logging onto www.omh.state.ny.us and clicking on "Fingerprint Initiative." This information will be updated frequently. As indicated on the Fingerprint Initiative web page, please direct any questions and comments to the following email address: <mailto:CH575@omh.state.ny.us> and be sure to include your agency code and phone number. If you need to review Chapter 575 again, a copy of the new law is also available on our web-site.

Thank you for your continued support and cooperation in this effort.

Sincerely,

Deborah M. Wagoner
Deputy Director
Human Resources Management