



GUIDANCE FOR OMH PROVIDERS REGARDING JONATHAN'S LAW

OFFICE OF QUALITY IMPROVEMENT, ISSUED JUNE 2026

Introduction

Jonathan's Law is a New York State law that establishes procedures that certain providers, including those operated or licensed by the Office of Mental Health (OMH), must follow.¹ When an incident affects a patient's health or safety, or a reportable incident occurs involving an allegation of abuse or neglect, wrongful conduct, missing patient, or death, the provider must notify the qualified person. In addition, a patient or qualified person has the right to request a meeting with the provider, as well as certain documents pertaining to the investigations of reportable incidents. Explanation of these rights shall be provided to the patient and qualified person in writing upon admission.

A Qualified Person (QP) is defined as:

- A parent or other legal guardian of a minor.
- Parent, legal guardian, spouse, adult siblings or adult children of adults who are legally authorized to make health care decisions on behalf of the individual.
- An individual over the age of 18, who has not been determined by a court to be legally incompetent.

What notifications are required?

Within 24 hours of an incident occurring:

- The provider must notify the Qualified Person of the incident by phone.

Upon verbal request from the Qualified Person:

- The provider shall promptly provide a copy of the written incident report (with redaction).
- The provider shall meet with the qualified person to discuss the incident.
- The provider shall, within 10 calendar days, send the QP a written report on the actions taken to address the incident. (Actions Taken Report)

How to Complete a Jonathan's Law Entry in NIMRS

https://omh.ny.gov/omhweb/dqm/bqi/nimrs/how_to_complete_a_jonathans_law_entry.pdf

If a QP requests records and documents pertaining to the incident:

- In addition to the above, a qualified person may submit a written request to obtain records and documents pertaining to the incident.

¹ Mental Hygiene Law §§33.23 and 33.25; 14 NYCRR Part 524.

- If such request is made and there is no reason to deny access to the records, documents must be provided within 21 calendar days of the conclusion of the investigation or the written request, whichever is later.
- A cover letter shall accompany all records and reports released as in accordance with Mental Hygiene Law §33.25 and shall state: Pursuant to NYS Mental Hygiene Law - MHL § 33.25 (Jonathan's Law), the attached records shall not be further disseminated, except that you may share the report with: (i) A health care provider; (ii) A behavioral health care provider; (iii) Law enforcement, if you believe a crime has been committed; or (iv) your attorney. **A sample cover letter is attached to this guidance document.**

The following information must be withheld:

- Any names or identifying information of other services recipients and/or employees will be redacted unless these individuals have authorized disclosure of such information.
- Federal laws or regulations may pose additional restrictions on the release of records or information contained in those records. For example, federal law prohibits OASAS providers from releasing any records or information that would identify a person as receiving services without the specific consent of the person receiving services (or a court order compliant with federal law).
- If a service recipient is a minor over the age of 12 and is receiving services to which a parent or guardian has also consented, both the minor and the parent/guardian must consent to disclosure.
- Or as outlined in New York Mental Hygiene Law 33.16 Access to clinical records.

Appeal Process:

- If a qualified person is denied access to the records/documents pertaining to a reportable incident, they have the right to appeal this decision.
- To request an appeal the qualified person may submit their request in writing to the Office of Quality Improvement (OQI) at OMH. The appeal letter should be sent to the following address:

**Office of Quality Improvement
Office of Mental Health
44 Holland Avenue
6th Floor
Albany, New York 12229**

- Upon receipt of the appeal, OQI will notify the provider issuing the denial. The provider will be given 10 business days to submit relevant information to OQI, including the reason for denial. OQI may also request additional information as necessary to resolve the appeal.
- Within 10 business days of the receipt of comprehensive information from the provider, OQI will provide a written determination with explanation to both the requestor and the provider.
- If directed by OQI, the provider must provide the requested records and/or documents to the requestor.
- Per NYS law fines can be issued by the Office of Mental Health to providers who are in noncompliance in providing documentation as stipulated by Mental Hygiene .

A QP may share obtained information with:

- Health care providers
- Behavioral health care providers

- Law enforcement agencies (if the QP believes a crime has been committed)
- The QP's attorney

The following documentation must be maintained by the provider:

- The telephone notice and responses received, including the identity and position of the person providing the notice, the name of the person receiving the notice, the time of the original call or attempted call, the time of subsequent attempted calls if the initial call was not successful and the time of follow up calls if the notice occurred in more than one call.
- Any requests for a meeting or the initial incident/occurrence report.
- Meetings held in response to the request, and those present.
- A copy of the Actions Taken Report and any initial incident/occurrence report (with redaction) that was given to the qualified person.
- Advice that a particular qualified person does not want to receive notifications or that the capable adult receiving services objects to notice or objects to the provision of documents/information.
- A copy of the full investigative report with identifying names of employees.

Additional resources regarding Jonathan's Law can be found at:

[Jonathan's Law Incident Notification and Records Access | Justice Center for the Protection of People With Special Needs \(https://www.justicecenter.ny.gov/jonathans-law-incident-notification-and-records-access-0\)](https://www.justicecenter.ny.gov/jonathans-law-incident-notification-and-records-access-0)

Sample cover letter

[Today's Date]

[First Name, Last Name]
[Address Line 1]
[City, State, Zip]

Re: [Client Name, DOB]

Dear [Name]

Our facility is responding to your request for additional information in accordance with Jonathan's Law.

When reviewing the incident report please know that the names or information that identifies other persons receiving services and employees will be redacted unless these individuals authorize disclosure. Federal laws or regulations may pose additional restrictions on release of records or information contained in those records.

Pursuant to NYS Mental Hygiene Law -MHY § 33.25 (Jonathan's Law), the attached records, including the incident report and a summary of the actions taken to address the incident (Actions Taken Report), **shall not be further disseminated, except that you may share the report with: (i) A health care provider; (ii) A behavioral health care provider; (iii) Law enforcement, if you believe a crime has been committed; or (iv) your attorney.**

If you require additional information pertaining to the investigation of this incident, you may submit a request in writing to [Facility Name, Point of contact, address].

Further information regarding Jonathan's Law may be found at [Jonathan's Law Incident Notification and Records Access | Justice Center for the Protection of People With Special Needs \(https://www.justicecenter.ny.gov/jonathans-law-incident-notification-and-records-access-0\)](https://www.justicecenter.ny.gov/jonathans-law-incident-notification-and-records-access-0)

Sincerely,