

8846

I N A S S E M B L Y

February 20, 2014

Introduced by M. of A. WEISENBERG -- read once and referred to the
Committee on Mental Health

AN ACT relating to the administration of services to people with devel-
opmental disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The legislature hereby finds and declares that the policy
2 known as the "front door" has been implemented to control the allocation
3 of services to people with developmental disabilities. This has led to
4 widespread complaints about service denials to people who are in crit-
5 ical need of services, some living at home with aging parents who them-
6 selves have disabilities significant enough to prevent them from contin-
7 uing as their child's caregiver. Furthermore, widespread reports suggest
8 that the number of persons in critical need is growing larger and more
9 severe for a broad range of people with developmental disabilities,
10 including those transitioning out of school, in addition to those who
11 now live at home. Compounding these problems the state has elected to
12 assume substantial decision making and administrative authority without
13 having the means, resources or a clear process to efficiently and expe-
14 ditiously carry out these functions. The consequence has been inordinate
15 delays in the allocation of critical services, constrained choice and
16 the inability to appropriately and efficiently redirect resources to
17 better serve people and families in need.

18 S 2. The commissioner of the office for people with developmental
19 disabilities, in collaboration with the developmental disabilities advi-
20 sory council established pursuant to section 13.05 of the mental hygiene
21 law, shall develop a plan for overhauling and improving the front door
22 process. Such commissioner shall submit the plan to the temporary presi-
23 dent of the senate and the speaker of the assembly no later than October
24 1, 2014 and implement guidelines putting the plan into effect no later
25 than December 1, 2014. The plan shall consist of proposals to address
26 the following:

27 (a) Recognize critical needs of people with developmental disabilities
28 living at home with persons whose ability to act as a caregiver has been

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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diminished by age, disability or any other relevant factors and develop clear and transparent guidelines for when in-home placement is appropriate and when out-of-home placement is appropriate.

(b) Develop, and update quarterly, waiting lists for services provided to people with developmental disabilities.

(c) Provide clear and specific guidelines outlining criteria for when self-direction is and is not appropriate for each individual.

(d) Provide guidelines for a clear, expeditious and transparent process for allocating residential placements and other critical services to persons based on their individual needs. Such process shall be consistent across the state and where exceptions are made such exceptions shall be made in explicit recognition of clear and rational factors. Such guidelines shall:

(1) Ensure that critical needs are met in a timely fashion;

(2) Provide an expedited appeals process to review and approve of requests for critical services when the state has not responded to such requests within 21 business days and to review state decisions which serve to unreasonably deny services, including the creation of a permanent independent consumer support program to assist persons seeking services to understand the process, their rights to due process and to assist in the resolution of problems regarding services, coverage, access and due process rights.

(3) Provide linguistically and culturally appropriate information on services and access to services in a universally clear and transparent manner. Also, ensure that families can secure the services of a medicaid service coordinator without having to go through the front door process.

(4) Provide a process to ensure that people in crisis are not subject to the front door process and receive immediate services.

(5) Report on the extent to which the front door policy, as it has been implemented, is consistent with applicable requirements for the home and community based waiver regarding timeliness of decisions, comprehensiveness of necessary services, choice, persons centered planning and other matters affecting the appropriateness and adequacy of services for people with developmental disabilities.

(6) Provide guidelines to facilitate and support the evaluation of post-secondary options consistent with the commissioner of education's part 200 regulations.

(e) In order to facilitate the administration of the "front door" process the commissioner may promulgate any necessary rules and regulations required to sub-contract with nonprofit developmental disabilities providers to provide administrative support after considering the ability and advisability of such providers to maintain records, perform needs assessments, educate consumers and families on the service system and assist in any other functions which may be required by the office.

S 3. This act shall take effect immediately.