

4885

2013-2014 Regular Sessions

I N S E N A T E

April 30, 2013

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to the creation of the managed care for persons with developmental disabilities advocacy program

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

1 Section 1. Section 13.40 of the mental hygiene law is amended by
2 adding a new subdivision (h) to read as follows:
3 (H) THE COMMISSIONER AND THE COMMISSIONER OF HEALTH SHALL JOINTLY
4 ESTABLISH THE MANAGED CARE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES
5 ADVOCACY PROGRAM, HEREINAFTER REFERRED TO AS THE ADVOCACY PROGRAM. THE
6 ADVOCACY PROGRAM MAY BE INTEGRATED WITH AND PROVIDED IN ADDITION TO
7 INDEPENDENT MEDICAID MANAGED CARE OMBUDS SERVICES PROVIDED TO PERSONS
8 WITH DISABILITIES ENROLLING IN MEDICAID MANAGED CARE. THE ADVOCACY
9 PROGRAM SHALL: ADVISE INDIVIDUALS OF APPLICABLE RIGHTS AND RESPONSIBILITIES,
10 INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO TREATMENT, PERSON
11 CENTERED CARE, CARE IN THE MOST INTEGRATED SETTING, AND THE RIGHT TO
12 CONTEST DECISIONS MADE BY A MANAGED CARE COMPANY; PROVIDE INFORMATION,
13 REFERRALS AND TECHNICAL ASSISTANCE TO ADDRESS THE NEEDS OF INDIVIDUALS
14 WITH DISABILITIES; AND PURSUE LEGAL, ADMINISTRATIVE AND OTHER APPROPRIATE
15 REMEDIES OR APPROACHES TO ENSURE THE PROTECTION OF AND ADVOCACY FOR
16 THE RIGHTS OF THE ENROLLEES. THE ADVOCACY PROGRAM SHALL ALSO PROVIDE
17 SUPPORT TO ELIGIBLE INDIVIDUALS ENROLLING IN DISCOS, HMOS PROVIDING
18 SERVICES PURSUANT TO SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED
19 THREE OF THE PUBLIC HEALTH LAW, AND MANAGED LONG TERM CARE PLANS PROVIDING
20 SERVICES UNDER SUBDIVISIONS TWELVE, THIRTEEN AND FOURTEEN OF SECTION
21 FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW; SUPPORT DURING THE
22 PERSON-CENTERED PLANNING PROCESS AND RELATED PROCESSES INCLUDING UPDATES
23 TO THE PERSON-CENTERED CARE PLAN; AND ASSISTANCE WITH SECURING HOUSING,

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

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1 EMPLOYMENT, AND COMMUNITY-BASED SUPPORTS AND SERVICES THAT FALL OUTSIDE
2 OF THE SCOPE OF DISCO SERVICES AND SUPPORTS.

3 THE COMMISSIONERS SHALL JOINTLY DESIGNATE AN INDEPENDENT AGENCY OR
4 ORGANIZATION TO ADMINISTER THE ADVOCACY PROGRAM. SUCH AGENCY MAY BE THE
5 AGENCY COORDINATING THE INDEPENDENT MEDICAID MANAGED CARE OMBUDS
6 SERVICES, OR A SUB-CONTRACTOR OF THAT AGENCY. THE ADVOCACY PROGRAM SHALL
7 BE ADVISED BY A BOARD, WHOSE MEMBERSHIP SHALL REFLECT REPRESENTATION OF
8 THE DEVELOPMENTAL DISABILITY POPULATION.

9 S 2. This act shall take effect immediately.