S T A T E O F N E W Y O R K

6641--A

I N S E N A T E

February 21, 2014

Introduced by Sens. CARLUCCI, MAZIARZ, RANZENHOFER, TKACZYK, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to the administration of services to people with developmental disabilities

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

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

S 2. The commissioner of the office for people with developmental disabilities, in collaboration with the developmental disabilities advisory council established pursuant to section 13.05 of the mental hygiene law, shall develop a plan for overhauling and improving the front door process. Such commissioner shall submit the plan to the temporary president of the senate and the speaker of the assembly no later than October 1, 2014 and implement guidelines putting the plan into effect no later

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

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than December 1, 2014. The plan shall consist of proposals to address the following:

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

S 3. This act shall take effect immediately.