

STATE OF NEW YORK

9567

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. BUTTENSCHON -- read once and referred to the
Committee on People with Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing the
independent intellectual and developmental disability ombudsman
program

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The mental hygiene law is amended by adding a new section
2 33.28 to read as follows:

3 § 33.28 Independent intellectual and developmental disability ombudsman
4 program.

5 (a) There is hereby established by the office for people with develop-
6 mental disabilities the independent intellectual and developmental disa-
7 bility ombudsman program for the purpose of assisting individuals with
8 intellectual and developmental disabilities to ensure their access to
9 services and preservation of their rights.

10 (b) Such ombudsman program shall have the following duties, including,
11 but not limited to:

12 1. establishing a service delivery structure based in New York state
13 that includes a toll-free telephone hotline, an interactive website, and
14 availability of in-person, telephone and email access to ombudsman
15 program staff or volunteers;

16 2. identifying, investigating, referring and resolving complaints made
17 by, or on behalf of, individuals relative to their access to services
18 provided by the office for people with developmental disabilities or the
19 care coordination provided by health homes serving individuals with
20 intellectual and/or developmental disabilities or services provided by
21 other providers;

22 3. providing assistance for navigating and completing processes, such
23 as paperwork and documentation, to access services provided by the
24 office for people with developmental disabilities or the care coordi-
25 nation provided by health homes serving individuals with intellectual
26 and/or developmental disabilities to individuals or services provided by
27 other providers, and/or anyone seeking assistance on their behalf;

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

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1 4. assisting individuals in filing and preparing appeals, and repres-
2 enting individuals in appeals and hearings concerning adverse benefit
3 determinations regarding services provided by the office for people with
4 developmental disabilities or health homes serving individuals with
5 intellectual and/or developmental disabilities to individuals or
6 services provided by other providers;

7 5. collecting, tracking, and quantifying problems and inquiries
8 encountered by individuals; and

9 6. educating individuals on their rights and responsibilities with
10 respect to access to services provided by the office for people with
11 developmental disabilities and care coordination provided by health
12 homes serving individuals with intellectual and/or developmental disa-
13 bilities or services provided by other providers.

14 (c) Notices and materials provided to individuals by the office for
15 people with developmental disabilities, providers of services, and the
16 health homes serving individuals with intellectual and/or developmental
17 disabilities shall include the name, phone number and website address of
18 the independent intellectual and developmental disability ombudsman
19 program established by the office for people with developmental disabil-
20 ities pursuant to this section.

21 (d) Notwithstanding sections one hundred twelve and one hundred
22 sixty-three of the state finance law and section one hundred forty-two
23 of the economic development law, or any other inconsistent provision of
24 law, funds available for expenditure pursuant to this section for the
25 establishment of an independent intellectual and developmental disabili-
26 ty ombudsman program may be allocated and distributed by the commis-
27 sioner of the office for people with developmental disabilities, subject to
28 the approval of the director of the budget, but only after the commis-
29 sioner of the office for people with developmental disabilities holds a
30 request for proposal process for the establishment of an independent
31 intellectual and developmental disability ombudsman program. Only domes-
32 tic not-for-profit corporations shall be eligible to submit proposals
33 for such program. Entities that currently receive funding from the
34 office for people with developmental disabilities to provide services to
35 people with intellectual and developmental disabilities, or to operate
36 care coordination organizations, or that bill the Medicaid program for
37 medical or healthcare services, shall be excluded from consideration.
38 The commissioner of the office for people with developmental disabili-
39 ties shall consider all competitive proposals submitted through such
40 request for proposal process and shall determine, based on his or her
41 discretion, which proposal submitted is most competitive for the estab-
42 lishment of an independent intellectual and developmental disability
43 ombudsman program. In the exercise of such discretion, the commissioner
44 of the office for people with developmental disabilities shall exercise
45 a preference in favor of applicants who demonstrate experience providing
46 advocacy or assistance to people with intellectual and developmental
47 disabilities, experience operating a call center, and experience track-
48 ing and reporting on case activities while protecting individual confi-
49 dentiality.

50 § 2. This act shall take effect on the one hundred eightieth day after
51 it shall have become a law.