

STATE OF NEW YORK

6221

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the social services law and the public health law, in relation to ensuring that the state implements certain federal conflict of interest requirements in a manner that ensures limited disruption of certain services

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

1 Section 1. Paragraph d of subdivision 6-a of section 366 of the social
2 services law, as amended by chapter 627 of the laws of 2004, is amended
3 to read as follows:

4 d. (i) The commissioner of health shall contract with not-for-profit
5 agencies around the state that have experience with providing community
6 based services to individuals with disabilities, hereinafter referred to
7 as regional resource development specialists, who shall be responsible
8 for initial contact with the prospective waiver participant, for assur-
9 ing the waiver candidates have choice in selecting a service coordinator
10 and other providers, and for assessing applicants including decisions
11 for eligibility for participation in the waiver, which contain the
12 original service plan and all subsequent revised service plans.
13 Regional resource development specialists shall be responsible for
14 approving service plans and the department of health shall provide tech-
15 nical assistance and oversight.

16 (ii) Prior to taking any step to implement the requirements of subpar-
17 agraph (vi) of paragraph (1) of subsection (c) of section 441.301 or
18 subparagraph (vi) of paragraph (1) of subsection (c) of section 431.301
19 of title 42 of the code of federal regulations as such provisions relate
20 to the nursing home transition and diversion waiver program authorized
21 under section 1915(c) of the federal social security act, the commis-
22 sioner of the department of health shall:

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

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1 (1) Survey all participating waiver providers, including voluntary
2 providers, to identify levels of preparedness to implement such require-
3 ments; and

4 (2) Report by January first, two thousand twenty-four, to the governor
5 and the chairs of the assembly and senate committees on health on the
6 ability of the provider system to continue to meet the requirements of
7 this paragraph related to consumer choice for service coordination.

8 (iii) All final plans for the transition and conversion of services
9 related to federal conflict of interest activities shall be suspended
10 pending the review and approval of the recommendations contained within
11 the report required under clause two of subparagraph (ii) of this para-
12 graph.

13 § 2. Section 2743 of the public health law is amended by adding a new
14 subdivision 4 to read as follows:

15 4. (a) Prior to taking any step to implement the requirements of
16 subparagraph (vi) of paragraph (1) of subsection (c) of section 441.301
17 or subparagraph (vi) of paragraph (1) of subsection (c) of section
18 431.301 of title 42 of the code of federal regulations as such
19 provisions relate to the traumatic brain injury waiver program author-
20 ized under section 1915(c) of the federal social security act, the
21 commissioner shall:

22 (i) Survey all participating waiver providers, including voluntary
23 providers, to identify levels of preparedness to implement such require-
24 ments; and

25 (ii) Report by January first, two thousand twenty-four, to the gover-
26 nor and the chairs of the assembly and senate committees on health on
27 the ability of the provider system to continue to ensure consumer choice
28 for service coordination.

29 (b) All final plans for the transition and conversion of services
30 related to federal conflict of interest activities shall be suspended
31 pending the review and approval of the recommendations contained within
32 the report required under subparagraph (ii) of paragraph (a) of this
33 subdivision.

34 § 3. This act shall take effect immediately.