

STATE OF NEW YORK

5851

2023-2024 Regular Sessions

IN SENATE

March 20, 2023

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to qualification for certain contracts relating to the consumer directed personal assistance program by applicants who provide fiscal intermediary services

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

1 Section 1. Paragraph (b-1) of subdivision 4-a of section 365-f of the
2 social services law, as amended by section 3 of part PP of chapter 57 of
3 the laws of 2022, is amended to read as follows:

4 (b-1) Following the initial selection of contractors on February elev-
5 enth, two thousand twenty-one, pursuant to the commissioner's request
6 for offers #20039 ("RFO") in accordance with this subdivision, the
7 commissioner is instructed to accept the offer to enter into contracts
8 with all applicants that were not initially selected on February elev-
9 enth, two thousand twenty-one, but that ~~were~~ are qualified by the
10 commissioner as meeting minimum requirements of the RFO, provided that
11 such qualified applicants that were not initially selected attest that:

12 (i) the applicant was providing fiscal intermediary services for at
13 least two hundred consumers in a city with a population of more than one
14 million at any time between January first, two thousand twenty and March
15 thirty-first, two thousand twenty; or

16 (ii) the applicant was providing fiscal intermediary services for at
17 least fifty consumers in another area of the state at any time between
18 January first, two thousand twenty and March thirty-first, two thousand
19 twenty~~[-]~~; or

20 (iii) for entities who did not submit an application pursuant to the
21 RFO, the entity was providing fiscal intermediary services under a
22 contract with a local department of social services prior to January
23 first, two thousand eleven. Such entities shall submit an application to

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

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1 the commissioner consistent with the requirements of the RFO and attest
2 that they meet the requirements under subparagraph (i) or (ii) of this
3 paragraph. Such application shall be deemed accepted by the commissioner
4 unless there are factors which would otherwise disqualify the applicant
5 as part of their application.

6 § 2. Subparagraph (i) of paragraph (b-2) of subdivision 4-a of section
7 365-f of the social services law, as added by section 4 of part PP of
8 chapter 57 of the laws of 2022, is amended to read as follows:

9 (i) Any late submission shall disqualify the applicant from receiving
10 a contract award under paragraph (b-1) of this subdivision; provided,
11 however, that a late submission from an applicant that already provides
12 or has provided fiscal intermediary services under this section pursuant
13 to clause (A) of subparagraph (i) of paragraph (a) of this subdivision
14 and meets the remaining qualifications of the department as defined in
15 this section shall not be disqualified and such applicant shall be
16 considered a qualified applicant.

17 § 3. This act shall take effect immediately.