

STATE OF NEW YORK

6960

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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 assuring
9 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 technical
15 assistance and oversight.

16 (ii) Prior to taking any step to implement the requirements of subparagraph
17 (vi) of paragraph (1) of subsection (c) of section 441.301 of
18 title 42 of the code of federal regulations as such provisions relate to
19 the nursing home transition and diversion waiver program authorized
20 under section 1915(c) of the federal social security act, the commissioner
21 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 of title 42 of the code of federal regulations as such provisions relate
18 to the traumatic brain injury waiver program authorized under section
19 1915(c) of the federal social security act, the commissioner shall:

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

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

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

32 § 3. This act shall take effect immediately.