STATE OF NEW YORK

10608

IN ASSEMBLY

March 13, 2026

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

AN ACT to amend the social services law, in relation to subcontracted facilitators of the statewide fiscal intermediary

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

Section 1. Subparagraphs (ii-b) and (ii-c) of paragraph (a) of subdivision 4-a of section 365-f of the social services law, as added by section 1 of part HH of chapter 57 of the laws of 2024, are amended and a new subparagraph (ii-d) is added to read as follows:

(ii-b) **(A) For the purposes of this section, "subcontracted facilitators" are community-based organizations who provide delegated fiscal intermediary services that assist consumers to enroll with the statewide fiscal intermediary and also provide ongoing customer service and assistance with their responsibility as joint employers. Subcontracted facilitators shall provide disability and culturally competent support to consumers who rely on the program to live independently.**

(B) For purposes of this section, "delegated fiscal intermediary services" are defined as fiscal intermediary services as set forth in subparagraph (ii) of this subdivision that the statewide fiscal intermediary includes in a subcontract with any subcontracted facilitator and which shall include services designed to meet the needs of consumers of the program, including, but not limited to, assisting consumers with navigation of the program by providing individual consumer assistance and support as needed, consumer peer support, and education and training to consumers on their duties under the program.

(C) The statewide fiscal intermediary shall subcontract to facilitate the delivery of **delegated** fiscal intermediary services to [~~an~~] **any** entity that is a service center for independent living under section one thousand one hundred twenty-one of the education law that has been providing fiscal intermediary services since January first, two thousand twenty-four or earlier. The statewide fiscal intermediary shall further subcontract to facilitate the delivery of fiscal intermediary services with at least one entity per rate setting region that has a proven

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

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record of delivering services to individuals with disabilities and the senior population, and has been providing fiscal intermediary services since January first, two thousand twelve; provided that such [~~subcontractor~~] subcontracted facilitator shall be required to provide any delegated fiscal intermediary services with cultural and linguistic competency specific to the population of consumers and those of the available workforce, and shall comply with the requirements for registration as a fiscal intermediary set forth in subdivision four-a-one of this section. [~~For purposes of this section, "delegated fiscal intermediary services" are defined as fiscal intermediary services as set forth in subparagraph (ii) of paragraph (a) of this subdivision that the statewide fiscal intermediary includes in a subcontract and which shall include services designed to meet the needs of consumers of the program, which may include assisting consumers with navigation of the program by providing individual consumer assistance and support as needed, consumer peer support, and education and training to consumers on their duties under the program.~~]

(D) Subcontracted facilitators shall execute teaming agreements with the statewide fiscal intermediary, and shall submit capacity plans for the provision of services to the statewide fiscal intermediary upon being subcontracted and every three years thereafter.

(E) Consumers shall be made aware of their right to request these services, and what these services entail. The statewide fiscal intermediary shall at least quarterly inform consumers about the availability of such facilitation services and the location and contact information of subcontracted facilitators serving their local area for consumers to select from.

(F) All consumers will be assigned a facilitator of their choosing. If a consumer is at risk of losing facilitation services due to a change in program eligibility or another administrative issue, the consumer shall remain with their chosen facilitator unless the consumer chooses another facilitator. Consumers shall not be assigned to a facilitator by the statewide fiscal intermediary without their express direction to do so. If a consumer prefers to, or must, change facilitators for any reason, the statewide fiscal intermediary shall assist the consumer by providing a list of other facilitators that serve the consumer's county or service region.

(G) The statewide fiscal intermediary shall maintain a complete, up-to-date, publicly available listing of all subcontracted facilitators, which it shall prominently publish on its website. Further, the statewide fiscal intermediary shall organize this listing according to state geographical region, and indicate designation as an independent living center and relevant cultural or linguistic competence, to assist consumers in the selection of a local, culturally and linguistically competent subcontracted facilitator.

(ii-c) (A) The statewide fiscal intermediary shall be responsible for payment to [~~subcontractors~~] subcontracted facilitators for delegated fiscal intermediary services. The payment shall not require a certification by the commissioner if payments are reasonably related to the costs of efficient delivery of such services.

(B) The statewide fiscal intermediary shall fully comply with all executed subcontract financial obligations, capacity plan commitments, and teaming agreements. For every month the statewide fiscal intermediary is in non-compliance with this clause, the statewide fiscal intermediary shall provide direct payment to each subcontracted facilitator

in an amount equivalent to the referral rate agreed to multiplied by the number of referrals not served by such subcontractor.

(ii-d) The statewide fiscal intermediary shall not perform subcontracted fiscal intermediary services and shall remain entirely separate from any subcontracted facilitators. The statewide fiscal intermediary shall not create or acquire additional corporate structures or subsidiaries which would provide such facilitation services. Only qualified entities subcontracted under clause (C) of subparagraph (ii-b) of this paragraph shall be remitted to be facilitators.

§ 2. Subdivision 4-a-1 of section 365-f of the social services law, as added by section 3 of part HH of chapter 57 of the laws of 2024, is amended to read as follows:

4-a-1. (a) Fiscal intermediary registration. Except for the statewide fiscal intermediary and its [~~subcontractors~~] subcontracted facilitators, as of April first, two thousand twenty-five, no entity shall provide, directly or through contract, fiscal intermediary services. All [~~subcontractors of the statewide fiscal intermediary,~~] subcontracted facilitators shall register with the department within thirty days of being selected as a [~~subcontractor~~] subcontracted facilitator.

(b) In selecting its [~~subcontractors~~] subcontracted facilitators, the statewide fiscal intermediary shall consider demonstrated compliance with all applicable federal and state laws and regulations, including but not limited to, marketing and labor practices, cost reporting, and electronic visit verification requirements.

§ 3. This act shall take effect immediately.