

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 Assem-
bly, do enact as follows:

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

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

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

21 (C) The statewide fiscal intermediary shall subcontract to facilitate
22 the delivery of *delegated* fiscal intermediary services to [~~an~~] *any* enti-
23 ty that is a service center for independent living under section one
24 thousand one hundred twenty-one of the education law that has been
25 providing fiscal intermediary services since January first, two thousand
26 twenty-four or earlier. The statewide fiscal intermediary shall further
27 subcontract to facilitate the delivery of fiscal intermediary services
28 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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1 record of delivering services to individuals with disabilities and the
2 senior population, and has been providing fiscal intermediary services
3 since January first, two thousand twelve; provided that such [~~subcon-~~
4 ~~tractor~~] subcontracted facilitator shall be required to provide any
5 delegated fiscal intermediary services with cultural and linguistic
6 competency specific to the population of consumers and those of the
7 available workforce, and shall comply with the requirements for regis-
8 tration as a fiscal intermediary set forth in subdivision four-a-one of
9 this section. [~~For purposes of this section, "delegated fiscal interme-~~
10 ~~diary services" are defined as fiscal intermediary services as set forth~~
11 ~~in subparagraph (ii) of paragraph (a) of this subdivision that the~~
12 ~~statewide fiscal intermediary includes in a subcontract and which shall~~
13 ~~include services designed to meet the needs of consumers of the program,~~
14 ~~which may include assisting consumers with navigation of the program by~~
15 ~~providing individual consumer assistance and support as needed, consumer~~
16 ~~peer support, and education and training to consumers on their duties~~
17 ~~under the program.~~]

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

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

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

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

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

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

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

3 (ii-d) The statewide fiscal intermediary shall not perform subcon-
4 tracted fiscal intermediary services and shall remain entirely separate
5 from any subcontracted facilitators. The statewide fiscal intermediary
6 shall not create or acquire additional corporate structures or subsid-
7 aries which would provide such facilitation services. Only qualified
8 entities subcontracted under clause (C) of subparagraph (ii-b) of this
9 paragraph shall be remitted to be facilitators.

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

13 4-a-1. (a) Fiscal intermediary registration. Except for the statewide
14 fiscal intermediary and its [~~subcontractors~~] subcontracted facilitators,
15 as of April first, two thousand twenty-five, no entity shall provide,
16 directly or through contract, fiscal intermediary services. All [~~subcon-~~
17 ~~tractors of the statewide fiscal intermediary,~~] subcontracted facilita-
18 tors shall register with the department within thirty days of being
19 selected as a [~~subcontractor~~] subcontracted facilitator.

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

25 § 3. This act shall take effect immediately.