

STATE OF NEW YORK

4871--A

2025-2026 Regular Sessions

IN SENATE

February 13, 2025

Introduced by Sens. FAHY, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities -- recommitted to the Committee on Disabilities in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the duties of the independent developmental disability ombudsperson program

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

1 Section 1. Section 33.28 of the mental hygiene law, as added by
2 section 1 of part KK of chapter 57 of the laws of 2023, is amended to
3 read as follows:
4 § 33.28 Independent developmental disability [~~ombudsman~~] ombudsperson
5 program.
6 (a) There is hereby established by the office for people with develop-
7 mental disabilities the independent developmental disability [~~ombudsman~~]
8 ombudsperson program for the purpose of assisting individuals with
9 developmental disabilities to ensure access by such individuals to
10 services and to preserve their rights.
11 (b) Such [~~ombudsman~~] ombudsperson program shall have the following
12 duties, including, but not limited to:
13 1. establishing a service delivery structure based in New York state
14 that includes a toll-free telephone hotline, an interactive website, and
15 availability of in-person, telephone and email access to ombudsperson
16 program staff or volunteers;
17 2. identifying, investigating, referring and resolving complaints that
18 are made by, or on behalf of individuals relative to access to services
19 provided by the office for people with developmental disabilities or
20 care coordination or other providers certified and/or authorized by the
21 office to provide services to people with developmental disabilities[~~r~~

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

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1 ~~and access to initial and continuing intellectual and developmental~~
2 ~~disability services and supports];~~

3 3. providing assistance for navigating and completing processes, such
4 as paperwork and documentation, to access services provided by the
5 office for people with developmental disabilities or the care coordi-
6 nation provided by health homes serving individuals with developmental
7 disabilities to individuals or services provided by other providers,
8 and/or anyone seeking assistance on their behalf;

9 4. assisting individuals in filing and preparing appeals, and repres-
10 enting individuals in appeals and hearings concerning adverse benefit
11 determinations regarding services provided by the office for people with
12 developmental disabilities or health homes serving individuals with
13 developmental disabilities to individuals or services provided by other
14 providers;

15 5. collecting, tracking, and quantifying problems and inquiries
16 encountered by individuals; and

17 6. educating individuals on their rights and responsibilities with
18 respect to access to services provided by the office for people with
19 developmental disabilities and care coordination provided by health
20 homes serving individuals with developmental disabilities or services
21 provided by other providers.

22 (c) Notices and materials provided to individuals by the office for
23 people with developmental disabilities, providers of services, and the
24 health homes serving individuals with developmental disabilities shall
25 include the name, phone number and website address of the independent
26 developmental disability [~~ombudsman~~ ombudsperson] program established by
27 the office for people with developmental disabilities pursuant to this
28 section. [~~The phone number shall be available for forty hours every~~
29 ~~week.~~]

30 (d) Funds available for expenditure pursuant to this section for the
31 establishment of an independent developmental disability [~~ombudsman~~
32 ombudsperson] program may be allocated and distributed by the commis-
33 sioner of the office for people with developmental disabilities, subject to
34 the approval of the director of the budget, but only after the commis-
35 sioner of the office for people with developmental disabilities holds a
36 request for proposal process for the establishment of an independent
37 developmental disability [~~ombudsman~~ ombudsperson] program. Only domestic
38 not-for-profit corporations shall be eligible to submit proposals for
39 such program. Entities that currently receive funding from the office
40 for people with developmental disabilities to provide services to people
41 with developmental disabilities, or to operate care coordination organ-
42 izations, or that bill the Medicaid program for medical or health care
43 services, shall be excluded from consideration. The commissioner of the
44 office for people with developmental disabilities shall consider all
45 competitive proposals submitted through such request for proposal proc-
46 ess and shall determine which proposal submitted is appropriate for the
47 establishment of an independent developmental disability [~~ombudsman~~
48 ombudsperson] program. In making such determination, applicants who
49 demonstrate experience providing advocacy or assistance to people with
50 developmental disabilities, experience operating a call center, or expe-
51 rience tracking and reporting on case activities while protecting indi-
52 vidual confidentiality shall receive deference for the award.

53 (e) Annually, no later than October thirty-first, the ombudsperson
54 shall submit an annual report summarizing the work of the program and
55 make recommendations to address systemic issues identified during the
56 previous year. Such annual report shall be submitted to the governor,

1 the temporary president of the senate, the speaker of the assembly and
2 the relevant legislative committee chairs.
3 § 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law and shall apply to all policies and contracts
5 issued, renewed, modified, altered or amended on and after such date.