

# STATE OF NEW YORK

4871--B

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 -- 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

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

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1 office to provide services to people with developmental disabilities[  
2 ~~and access to initial and continuing intellectual and developmental~~  
3 ~~disability services and supports~~];

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

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

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

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

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

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

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

1 previous year. Such annual report shall be submitted to the governor,  
2 the temporary president of the senate, the speaker of the assembly and  
3 the relevant legislative committee chairs. The ombudsperson shall post  
4 such report conspicuously on the website of the office for people with  
5 developmental disabilities upon such submission to such officials.

6 § 2. This act shall take effect on the one hundred eightieth day after  
7 it shall have become a law and shall apply to all policies and contracts  
8 issued, renewed, modified, altered or amended on and after such date.