S T A T E O F N E W Y O R K

1680

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

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

AN ACT to amend the public health law, in relation to providing for the provision of services to individuals with disabilities in the most integrated setting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 26-B to read as follows:

ARTICLE 26-B

MOST INTEGRATED SETTING PROGRAM

SECTION 2640. MOST INTEGRATED SETTING PROGRAM.
2641. DEFINITIONS.
2642. FUNCTIONS, POWERS, AND DUTIES OF THE DEPARTMENT.
2643. FUNDING OF PROGRAM SERVICES.
2644. MOST INTEGRATED SETTING COORDINATING COUNCIL.

S 2640. MOST INTEGRATED SETTING PROGRAM. THE DEPARTMENT SHALL HAVE THE CENTRAL RESPONSIBILITY FOR ADMINISTERING THE PROVISIONS OF THIS ARTICLE AND OTHERWISE COORDINATING THE STATE'S POLICIES WITH RESPECT TO PROVIDING SERVICES IN THE MOST INTEGRATED SETTING TO INDIVIDUALS WITH DISABILITIES, IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF THE ADVOCATE FOR THE DISABLED, THE OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, THE OFFICE OF MENTAL HEALTH, AND THE COMMISSION ON QUALITY OF CARE FOR THE MENTALLY DISABLED.

S 2641. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "MOST INTEGRATED SETTING" MEANS THE PROVISION OF SERVICES TO PEOPLE WITH DISABILITIES IN A NON-INSTITUTIONAL, COMMUNITY-BASED SETTING, INCLUDING BUT NOT LIMITED TO AN INDEPENDENT APARTMENT, SUPPORTIVE HOUS-

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

LBD00276-01-9

ING, LIVING IN THE HOUSEHOLD OF ANOTHER, OR TRANSITIONAL CONGREGATE HOUSING.

2. "ELIGIBLE PERSON WITH A DISABILITY" MEANS AN INDIVIDUAL OF ANY AGE WHO REQUIRES ASSISTANCE IN PERFORMING ONE OR MORE ACTIVITIES OF DAILY LIVING, WHO IS IN AN INSTITUTIONAL SETTING OR IS DETERMINED TO BE AT RISK OF INSTITUTIONALIZATION IF APPROPRIATE SERVICES ARE NOT PROVIDED, AND WHO IS NOT SERVED BY A WAIVER PROGRAM ADMINISTERED BY THE STATE.

S 2642. FUNCTIONS, POWERS, AND DUTIES OF THE DEPARTMENT. THE DEPARTMENT SHALL:

1. DEVELOP A COMPREHENSIVE STATEWIDE PROGRAM THAT INCLUDES, BUT IS NOT LIMITED TO: MEDICAL, HOUSING, SOCIAL, VOCATIONAL, EDUCATIONAL, TRANSPORTATION, PERSONAL ASSISTANCE, COMMUNITY RE-ENTRY SERVICES, ASSISTIVE TECHNOLOGY, AND OTHER ESSENTIAL SERVICES;

2. DEVELOP OUTREACH SERVICES TO IDENTIFY INDIVIDUALS IN NURSING HOMES WHO COULD LIVE IN A MOST INTEGRATED SETTING;

3. TRACK THE AMOUNT AND COST OF SERVICES PROVIDED TO ELIGIBLE PERSONS WITH DISABILITIES PLACED IN INSTITUTIONAL SETTINGS; AND

4. DEVELOP COMMUNITY-BASED, NON-INSTITUTIONAL SERVICES FOR ELIGIBLE PERSONS WITH DISABILITIES, WITH PROGRAM AGGREGATE COSTS EQUAL TO OR LESS THAN THOSE OF INSTITUTIONAL CARE.

S 2643. FUNDING OF PROGRAM SERVICES. 1. THE DEPARTMENT SHALL DEVELOP A BIENNIAL PLAN AND PRIORITIES FOR THE FUNDING OF THE SERVICES AND PROGRAMS REQUIRED BY THIS ARTICLE, WITH AN EMPHASIS ON THE DEVELOPMENT AND EXPANSION OF COMMUNITY-BASED SERVICES AND PROGRAMS.

2. THE DEPARTMENT SHALL DEVELOP A MEDICAID WAIVER PROGRAM THAT WILL FUND A COMPREHENSIVE SERVICE PROGRAM. THE LOCAL COST-SHARE FOR SUCH A WAIVER SHALL BE EQUAL TO, OR LESS THAN THE LOCAL COST-SHARE FOR NURSING HOME CARE.

3. THE DEPARTMENT SHALL, TO THE EXTENT FEASIBLE, UTILIZE EXISTING ORGANIZATIONS WITH DEMONSTRATED INTEREST AND EXPERTISE IN SERVING PERSONS WITH DISABILITIES AND SHALL, WITHIN FUNDS AVAILABLE, ENTER INTO CONTRACTS WITH SUCH ORGANIZATIONS.

S 2644. MOST INTEGRATED SETTING COORDINATING COUNCIL. 1. THE MOST INTEGRATED SETTING COORDINATING COUNCIL IS HEREBY ESTABLISHED AND SHALL CONSIST OF: THE COMMISSIONER, REPRESENTATIVES OF EACH OFFICE OR DEPARTMENT LISTED IN SECTION TWENTY-SIX HUNDRED FORTY OF THIS ARTICLE. IN ADDITION THE COUNCIL SHALL CONSIST OF THE FOLLOWING PERSONS: FOUR PERSONS APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL BE PERSONS WITH DISABILITIES AND TWO OF WHOM SHALL BE REPRESENTATIVE OF THE PUBLIC AND HAVE A DEMONSTRATED EXPERTISE AND INTEREST IN THE PROVISION OF SERVICES IN THE MOST INTEGRATED SETTING; TWO PERSONS APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE OF WHOM SHALL BE A PERSON WITH A DISABILITY AND ONE OF WHOM SHALL BE REPRESENTATIVE OF THE PUBLIC AND HAVE A DEMONSTRATED EXPERTISE AND INTEREST IN THE PROVISION OF SERVICES IN THE MOST INTEGRATED SETTING; TWO PERSONS APPOINTED BY THE SPEAKER OF THE ASSEMBLY, ONE OF WHOM SHALL BE A PERSON WITH A DISABILITY AND ONE OF WHOM SHALL BE REPRESENTATIVE OF THE PUBLIC AND HAVE A DEMONSTRATED EXPERTISE AND INTEREST IN THE PROVISION OF SERVICES IN THE MOST INTEGRATED SETTING; ONE PERSON APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND ONE PERSON APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY.

2. THE TERMS OF THE APPOINTEES SHALL BE DETERMINED AS FOLLOWS: THE GOVERNOR'S APPOINTEES; TWO ONE YEAR TERMS, ONE TWO YEAR TERM AND ONE THREE YEAR TERM; TEMPORARY PRESIDENT'S APPOINTEES, ONE TWO YEAR TERM AND ONE THREE YEAR TERM; SPEAKER'S APPOINTEE, ONE TWO YEAR TERM AND ONE THREE YEAR TERM; MINORITY LEADERS' APPOINTMENTS, ONE YEAR TERMS. SUBSE-

QUENT APPOINTMENTS SHALL BE FOR THREE YEARS AND SHALL BE FILLED IN THE SAME MANNER.

3. THE COUNCIL SHALL RECOMMEND TO THE DEPARTMENT LONG RANGE OBJECTIVES, GOALS AND PRIORITIES. IT SHALL ALSO PROVIDE ADVICE ON THE PLANNING, COORDINATION, AND DEVELOPMENT OF NEEDED SERVICES.

4. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES, SUBJECT TO THE APPROVAL OF THE COMMISSIONER.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of health is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date on or before such effective date.