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

7973

I N S E N A T E

May 27, 2010

Introduced by Sen. DUANE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to health-related legal services programs

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 section 22 to read as follows:

S 22. HEALTH-RELATED LEGAL SERVICES PROGRAM. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT A HEALTH-RELATED LEGAL SERVICES GRANT PROGRAM (REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM"), WHICH SHALL MAKE GRANTS TO ORGANIZATIONS (REFERRED TO IN THIS SECTION AS A "HEALTH-RELATED LEGAL SERVICES PROGRAM" OR A "PROGRAM") THAT ARE A COLLABORATION BETWEEN HEALTH CARE SERVICE PROVIDERS AND LEGAL SERVICES PROGRAMS TO PROVIDE ON SITE LEGAL SERVICES WITHOUT CHARGE TO ASSIST, ON A VOLUNTARY BASIS, INCOME ELIGIBLE PATIENTS AND THEIR FAMILIES TO RESOLVE LEGAL MATTERS OR NEEDS THAT HAVE AN IMPACT ON PATIENT HEALTH OR ARE CREATED OR AGGRAVATED BY A PATIENT'S HEALTH. FOR THE PURPOSE OF THIS SECTION, LEGAL MATTERS MAY INCLUDE, BUT SHALL NOT BE LIMITED TO:

(A) HOUSING, INCLUDING UTILITIES;

(B) PUBLIC OR PRIVATE HEALTH INSURANCE COVERAGE;

(C) EMPLOYMENT AND ELIGIBILITY FOR EMPLOYMENT BENEFITS;

(D) GOVERNMENT BENEFITS;

(E) IMMIGRATION;

(F) FAMILY LAW, INCLUDING, BUT NOT LIMITED TO, DOMESTIC VIOLENCE, GUARDIANSHIP, CUSTODY, AND CHILD SUPPORT;

(G) ADVANCE PLANNING, INCLUDING, BUT NOT LIMITED TO, WILLS, HEALTH CARE PROXIES, POWERS OF ATTORNEY AND PERMANENCY PLANNING;

(H) SPECIAL EDUCATION; AND

(I) DEBTOR AND CREDITOR ISSUES.

2. THE DEPARTMENT SHALL WORK WITH LEGAL SERVICES ORGANIZATIONS, COMMUNITY HEALTH ADVOCACY ORGANIZATIONS, HOSPITALS, DIAGNOSTIC AND TREATMENT CENTERS AND OTHER PRIMARY AND SPECIALTY HEALTH CARE PROVIDERS, TO ESTABLISH STANDARDS AND GUIDELINES FOR HEALTH-RELATED LEGAL SERVICES PROGRAMS

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

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TO BE FUNDED BY THE GRANT PROGRAM. THE COMMISSIONER MAY MAKE REGULATIONS THAT MAY BE NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

3. (A) THE COMMISSIONER IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED FOR THIS PURPOSE, TO MAKE GRANTS TO HEALTH-RELATED LEGAL SERVICES PROGRAMS UNDER THIS SECTION.

(B) A HEALTH-RELATED LEGAL SERVICES PROGRAM SHALL BE A NOT-FOR-PROFIT ENTITY OPERATED BY OR AFFILIATED WITH ONE OR MORE LEGAL SERVICES ORGANIZATIONS, LAW SCHOOLS, SOCIAL SERVICES ORGANIZATIONS, OR HEALTH CARE PROVIDERS, AND IT SHALL COMPLY WITH THE STANDARDS, GUIDELINES AND REGULATIONS UNDER THIS SECTION.

(C) FUNDS PROVIDED TO A PROGRAM UNDER THIS SECTION SHALL BE USED IN ACCORDANCE WITH STANDARDS, GUIDELINES AND REGULATIONS OF THE GRANT PROGRAM FOR PURPOSES UNDER SUBDIVISION ONE OF THIS SECTION WHICH MAY INCLUDE BUT ARE NOT LIMITED TO: PERSONNEL, RENT, COMMUNITY OUTREACH, AND OFFICE OPERATION AND EQUIPMENT.

(D) GRANTS UNDER THIS SECTION SHALL BE AWARDED BY THE COMMISSIONER THROUGH A COMPETITIVE APPLICATION PROCESS. IN MAKING AWARDS, THE COMMISSIONER SHALL CONSIDER THE FOLLOWING:

(I) ABILITY AND EXPERIENCE OF THE APPLICANT TO PROVIDE HIGH QUALITY HEALTH-RELATED LEGAL SERVICES, THE NEEDS OF THE POPULATION TO BE SERVED, AND THE EXTENT TO WHICH THE PROGRAM WILL MEET THOSE NEEDS;

(II) STATEWIDE GEOGRAPHIC DISTRIBUTION OF PROGRAMS; AND

(III) THE EXTENT TO WHICH THE APPLICANT HAS ACCESS TO OR WILL BE SUPPORTED BY ADDITIONAL OR ALTERNATIVE FINANCING FOR THE PROGRAM.

4. THE COMMISSIONER SHALL ANNUALLY REPORT TO THE GOVERNOR AND THE LEGISLATURE ON THE OPERATION AND EFFECTIVENESS OF THE GRANT PROGRAM.

S 2. This act shall take effect immediately.