

1306

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. WRIGHT, GLICK, PEOPLES, MILLMAN, O'DONNELL, EDDINGTON, POWELL, KAVANAGH, JAFFEE, ESPAILLAT -- Multi-Sponsored by -- M. of A. CLARK, COLTON, COOK, DIAZ, DINOWITZ, FARRELL, GALEF, GOTTFRIED, GREENE, HOOPER, JACOBS, JOHN, LAVINE, McENENY, J. RIVERA, ROBINSON, TITONE, TOWNS, WEINSTEIN -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to extending the period given to certain applicants for public assistance benefits to request a fair hearing

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

1 Section 1. Subdivision 6 of section 332-b of the social services law,
2 as added by section 148 of part B of chapter 436 of the laws of 1997, is
3 amended to read as follows:
4 6. When an applicant or recipient receives notification of the examin-
5 ing medical professional's disability determination, he or she shall
6 also be notified of his or her right to request a fair hearing within
7 [ten] SIXTY days of such notice OR WITHIN SIXTY DAYS OF RECEIPT OF A
8 WORK ACTIVITY ASSIGNMENT. If such applicant timely requests a fair
9 hearing, no assignment to work activities pursuant to this title may be
10 made OR ENFORCED pending such hearing and determination unless the
11 applicant or recipient agrees to a limited work assignment not incon-
12 sistent with the medical condition alleged by such person. Provided,
13 however, that if a social services district has reason to believe that
14 such recipient or applicant does not actually suffer from a work limit-
15 ing condition, the district shall provide the applicant or recipient
16 with notice of potential sanctions pursuant to subdivision three of
17 section three hundred forty-two of this title, and provided further that
18 recipients will be subject to sanctions pursuant to subdivision three of
19 section three hundred forty-two of this title if the district deter-

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

LBD00413-01-9

1 mines, based on clear medical evidence, that there is no basis for the
2 individual's claim that he or she is unable to fully engage in work
3 activities, and that the individual intentionally misrepresented his or
4 her medical condition.

5 S 2. This act shall take effect immediately.