

5552

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 13, 2009

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Introduced by M. of A. V. LOPEZ, BRENNAN, CLARK, LENTOL -- read once and referred to the Committee on Social Services

AN ACT directing the office of temporary and disability assistance to study the fair hearing process utilized by local social services districts and to amend the social services law, in relation to the duties of the office of temporary and disability assistance with respect to such fair hearing process

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

- 1     Section 1. Legislative findings, purposes and intent. It is the find-  
2     ing of the legislature that public assistance recipients are too  
3     frequently removed from the rolls due to administrative reasons that do  
4     not reflect a change in the financial eligibility for benefits. It is  
5     therefore the intent and purpose of this act to study certain aspects of  
6     the present social services program with respect to the conduct of fair  
7     hearings to better protect the rights of public assistance clients and  
8     to ensure that the basic necessities of life to which they are entitled  
9     are provided.
- 10    S 2. The office of temporary and disability assistance shall analyze  
11    the local social services districts' fair hearing process and identify  
12    factors contributing to fair hearing withdrawals made by local  
13    districts.
- 14    S 3. The office of temporary and disability assistance shall develop  
15    performance standards to ensure adequate, timely, and uninterrupted  
16    receipt of benefits by financially eligible applicants for and recipi-  
17    ents of public assistance and care.
- 18    S 4. The office of temporary and disability assistance shall report  
19    its findings to the governor and the legislature, on or before October  
20    1, 2011. Such report shall include but not be limited to the following:

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

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1 a. the number and percentage of fair hearing withdrawals initiated by  
2 the local social services districts, and the reasons for such with-  
3 drawal, including a breakdown by local social services district;

4 b. factors within and beyond the local social services districts'  
5 administrative control which may contribute to a fair hearing with-  
6 drawal; and

7 c. recommendations with respect to adjustments in state reimbursement  
8 to be made to local social services districts for failing to achieve the  
9 performance standards developed pursuant to section three of this act.

10 S 5. Subdivision 14 of section 22 of the social services law, as  
11 amended by chapter 524 of the laws of 2005, is amended to read as  
12 follows:

13 14. To provide an analysis of the outcome of the fair hearings process  
14 within the office of temporary and disability assistance to identify  
15 inadequacies and potential improvements in the functioning of the fair  
16 hearings system, such office shall prepare for inclusion in the annual  
17 report required by subdivision (d) of section seventeen of this article  
18 to be filed with the governor and the legislature [prior to] ON OR  
19 BEFORE the fifteenth [day] of December of each year, a report containing  
20 with respect to income maintenance programs, including the family  
21 assistance program, the safety net assistance program, the medical  
22 assistance program and any other program, the number of affirmations  
23 [and], reversals AND WITHDRAWALS by local districts and by program  
24 including a breakdown by local districts of the number of fair hearings  
25 requested by program and the number of fair hearings held by program,  
26 formal requests by local districts and recipients for reconsideration or  
27 rehearing of appeals, and a summary of court actions on hearing deci-  
28 sions.

29 S 6. This act shall take effect immediately.