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

5530

2009-2010 Regular Sessions

I N S E N A T E

May 14, 2009

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

AN ACT to amend the social services law, in relation to establishing the state division of AIDS services

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

Section 1. The social services law is amended by adding a new section 138 to read as follows:

S 138. DIVISION OF AIDS SERVICES. 1. THERE SHALL BE A STATE DIVISION OF AIDS SERVICES WITHIN THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE. SUCH DIVISION SHALL PROVIDE ACCESS TO BENEFITS AND SERVICES AS DEFINED IN SUBDIVISION THREE OF THIS SECTION TO EVERY PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS, AS DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AIDS INSTITUTE, OR WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION, WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO ELIGIBLE PERSONS AS DEFINED IN SUBDIVISION THREE OF THIS SECTION WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS.

2. THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL DIRECT STAFF OF THE STATE DIVISION OF AIDS SERVICES TO PROVIDE TO PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS, AS DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AIDS INSTITUTE, OR PERSONS WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION, WHO SATISFY THE INCOME ELIGIBILITY REQUIREMENTS FOR MEDICAID AS SET FORTH IN U.S.C. 1396 ET SEQ.: (A) INTENSIVE CASE MANAGEMENT WITH AN AVERAGE RATIO WHICH SHALL NOT EXCEED ONE CASEWORKER OR SUPERVISOR TO TWENTY-FIVE FAMILY CASES, AND WITH AN OVERALL AVERAGE RATIO FOR ALL CASES WHICH SHALL NOT EXCEED ONE CASEWORKER OR SUPERVISOR TO THIRTY-FOUR CASES; AND (B) TRANSPORTATION AND NUTRITION ALLOWANCES. SUCH TRANSPORTATION AND NUTRITION ALLOWANCES SHALL BE PROVIDED TO EACH SUCH PERSON IN AN AMOUNT NOT LESS THAN THE AMOUNT PER PERSON PROVIDED ON THE EFFECTIVE

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

LBD01285-01-9

DATE OF THIS SECTION. NOTWITHSTANDING THE REQUIREMENTS OF THIS SUBDIVISION, IN THE EVENT OF A MATERIAL REDUCTION IN THE STATE OF NEW YORK'S FUNDING ALLOCATION, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE MAY MODIFY SUCH AMOUNT OF ALLOWANCES.

3. (A) WHENEVER USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "ACCESS TO BENEFITS AND SERVICES" SHALL MEAN THE PROVISION OF ASSISTANCE BY STAFF OF THE DIVISION TO A PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS AT A SINGLE LOCATION IN ORDER TO APPLY FOR PUBLICLY SUBSIDIZED BENEFITS AND SERVICES, TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY INCLUDING, BUT NOT LIMITED TO, THOSE ELEMENTS REQUIRED TO BE ESTABLISHED FOR FINANCIAL BENEFITS, AND TO MAINTAIN SUCH ELIGIBILITY AND SHALL INCLUDE, BUT NOT BE LIMITED TO, ASSISTANCE PROVIDED BY THE OFFICE, AT THE HOME OF THE APPLICANT OR RECIPIENT, AT A HOSPITAL WHERE SUCH APPLICANT OR RECIPIENT IS A PATIENT OR AT ANOTHER LOCATION, IN ASSEMBLING SUCH DOCUMENTATION AS MAY BE NECESSARY TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY AND TO MAINTAIN SUCH ELIGIBILITY;

(2) "DIVISION" SHALL MEAN THE STATE DIVISION OF AIDS SERVICES AS ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION;

(3) "ELIGIBLE PERSON" SHALL MEAN A PERSON WHO SATISFIES THE ELIGIBILITY REQUIREMENTS ESTABLISHED PURSUANT TO APPLICABLE LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION FOR THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION OR FOR ANY OTHER BENEFITS AND SERVICES DEEMED APPROPRIATE BY THE COMMISSIONER;

(4) "MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING" SHALL MEAN HOUSING WHICH IS SUITABLE FOR PERSONS WITH SEVERELY COMPROMISED IMMUNE SYSTEMS, AND IF NECESSARY, ACCESSIBLE TO PERSONS WITH DISABILITIES. SUCH HOUSING SHALL INCLUDE, BUT NOT BE LIMITED TO, INDIVIDUAL REFRIGERATED FOOD AND MEDICINE STORAGE AND ADEQUATE BATHROOM FACILITIES WHICH SHALL, AT A MINIMUM, PROVIDE AN EFFECTIVE LOCKING MECHANISM AND ANY OTHER SUCH MEASURES AS ARE NECESSARY TO ENSURE PRIVACY;

(5) "PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS" SHALL MEAN A PERSON WHO HAS AT ANY TIME BEEN DIAGNOSED WITH CLINICAL/SYMPTOMATIC HIV ILLNESS, AS DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AIDS INSTITUTE, OR A PERSON WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION;

(6) "OFFICE" SHALL MEAN THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; AND

(7) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

(B) THE COMMISSIONER SHALL DIRECT STAFF OF THE DIVISION TO PROVIDE ACCESS TO BENEFITS AND SERVICES TO EVERY ELIGIBLE PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO ELIGIBLE PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS AND WITH AIDS. ANY ELIGIBLE PERSON SHALL RECEIVE ONLY THOSE BENEFITS AND SERVICES FOR WHICH SUCH PERSON QUALIFIES IN ACCORDANCE WITH THE APPLICABLE ELIGIBILITY STANDARDS ESTABLISHED PURSUANT TO LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. SUCH BENEFITS AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO: MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING; MEDICAID, AS SET FORTH IN 42 U.S.C. 1396 ET SEQ. AND OTHER HEALTH-RELATED SERVICES; LONG TERM CARE AND SERVICES PROVIDED BY A CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM OR AIDS HOME CARE PROGRAM AUTHORIZED PURSUANT TO ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW; PERSONAL CARE SERVICES PURSUANT TO THIS ARTICLE; HOMEMAKER SERVICES

AS DEFINED IN SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THE PUBLIC HEALTH LAW; FOOD STAMPS IN ACCORDANCE WITH SECTION NINETY-FIVE OF THIS CHAPTER; TRANSPORTATION AND NUTRITION ALLOWANCES AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION; PREVENTATIVE SERVICES, INCLUDING RENT SUBSIDIES, IN ACCORDANCE WITH SECTION FOUR HUNDRED NINE-A OF THIS CHAPTER; FINANCIAL BENEFITS; AND INTENSIVE CASE MANAGEMENT AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROVIDE ACCESS TO ADDITIONAL BENEFITS AND SERVICES AND ENSURE THE PROVISION OF SUCH ADDITIONAL BENEFITS AND SERVICES WHENEVER DEEMED APPROPRIATE. THE REQUIREMENTS WITH RESPECT TO SUCH ACCESS TO AND ELIGIBILITY FOR BENEFITS AND SERVICES SHALL NOT BE MORE RESTRICTIVE THAN THOSE REQUIREMENTS MANDATED BY STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH CRITERIA PURSUANT TO WHICH AN APPLICANT SHALL BE ENTITLED TO A HOME OR HOSPITAL VISIT FOR THE PURPOSE OF ESTABLISHING ELIGIBILITY AND APPLYING FOR BENEFITS AND SERVICES.

(C)(1) UPON WRITTEN OR ORAL APPLICATION TO THE DIVISION OR SUBMISSION OF DOCUMENTS REQUIRED TO ESTABLISH ELIGIBILITY FOR BENEFITS AND SERVICES BY A PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS, SUCH PERSON SHALL IMMEDIATELY BE PROVIDED WITH A RECEIPT WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE, A DESCRIPTION OF THE INFORMATION RECEIVED, AND A STATEMENT AS TO WHETHER ANY APPLICATION FOR SUCH BENEFITS AND SERVICES IS COMPLETE OR INCOMPLETE, AND IF INCOMPLETE, SUCH RECEIPT SHALL IDENTIFY ANY INFORMATION OR DOCUMENTS NEEDED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE.

(2) WHERE NO STATUTE, LAW, RULE OR REGULATION PROVIDES A TIME PERIOD WITHIN WHICH A BENEFIT OR SERVICE SHALL BE PROVIDED TO AN ELIGIBLE PERSON WHO REQUESTS SUCH A BENEFIT OR SERVICE, SUCH BENEFIT OR SERVICE SHALL BE PROVIDED NO LATER THAN TWENTY BUSINESS DAYS FOLLOWING SUBMISSION OF ALL INFORMATION OR DOCUMENTATION REQUIRED TO DETERMINE ELIGIBILITY.

(D) WHERE A PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO APPLIES FOR BENEFITS AND SERVICES, OR ACCESS TO BENEFITS AND SERVICES, INDICATES THAT ONE OR MORE MINOR CHILDREN RESIDE WITH HIM OR HER OR ARE IN HIS OR HER CARE OR CUSTODY, SUCH PERSON SHALL BE GIVEN INFORMATION AND PROGRAM REFERRALS ON CHILD CARE OPTIONS AND CUSTODY PLANNING, INCLUDING THE AVAILABILITY OF STANDBY GUARDIANSHIP PURSUANT TO SECTION SEVENTEEN HUNDRED TWENTY-SIX OF THE SURROGATE'S COURT PROCEDURE ACT AND REFERRAL TO LEGAL ASSISTANCE PROGRAMS.

(E) RECERTIFICATION OF ELIGIBILITY, AS REQUIRED BY ANY STATE OR FEDERAL LAW, STATUTE, RULE OR REGULATION SHALL BE CONDUCTED NO MORE FREQUENTLY THAN MANDATED BY SUCH STATUTE, LAW, RULE OR REGULATION.

(F) ELIGIBILITY FOR BENEFITS AND SERVICES FOR PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS MAY NOT BE TERMINATED EXCEPT WHERE THE RECIPIENT IS DETERMINED TO NO LONGER SATISFY ELIGIBILITY REQUIREMENTS, IS DECEASED, OR UPON CERTIFICATION BY THE COMMISSIONER THAT THE RECIPIENT CANNOT BE LOCATED TO VERIFY HIS OR HER CONTINUED ELIGIBILITY FOR BENEFITS AND SERVICES. IN THE LATTER CIRCUMSTANCE, THE DIVISION SHALL CONDUCT A REASONABLE GOOD FAITH SEARCH FOR AT LEAST A NINETY DAY PERIOD TO LOCATE THE RECIPIENT, INCLUDING SENDING WRITTEN NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF SUCH RECIPIENT, REQUIRING THE RECIPIENT TO CONTACT THE DIVISION WITHIN TEN DAYS.

(G) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL PREPARE A DRAFT POLICY AND PROCEDURES MANUAL FOR DIVISION STAFF. SUCH POLICY AND PROCEDURES MANUAL SHALL INCLUDE, BUT NOT

BE LIMITED TO, STRICT GUIDELINES ON MAINTAINING THE CONFIDENTIALITY OF THE IDENTITY OF AND INFORMATION RELATING TO ALL APPLICANTS AND RECIPIENTS, INSTRUCTIONAL MATERIALS RELATING TO THE MEDICAL AND PSYCHOLOGICAL NEEDS OF PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS, APPLICATION PROCEDURES, ELIGIBILITY STANDARDS, MANDATED TIME PERIODS FOR THE PROVISION OF EACH BENEFIT AND SERVICE AVAILABLE TO APPLICANTS AND RECIPIENTS AND ADVOCACY RESOURCES AVAILABLE TO PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS. SUCH LISTS OF ADVOCACY RESOURCES SHALL BE UPDATED SEMI-ANNUALLY. WITHIN THIRTY DAYS FOLLOWING THE PREPARATION OF SUCH DRAFT POLICY AND PROCEDURES MANUAL AND PRIOR TO THE PREPARATION OF A FINAL POLICY AND PROCEDURES MANUAL, THE COMMISSIONER SHALL DISTRIBUTE SUCH DRAFT POLICY AND PROCEDURES MANUAL TO ALL SOCIAL SERVICES AGENCIES AND ORGANIZATIONS THAT CONTRACT WITH THE OFFICE TO PROVIDE HIV-RELATED SERVICES AND TO ALL OTHERS WHOM THE COMMISSIONER DEEMS APPROPRIATE, AND HOLD NO FEWER THAN ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED, AT WHICH ADVOCATES, SERVICE PROVIDERS, PERSONS WHO HAVE TESTED POSITIVE FOR HIV, AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO COMMENT ON SUCH DRAFT POLICY AND PROCEDURES MANUAL. THE COMMISSIONER SHALL PREPARE A FINAL POLICY AND PROCEDURES MANUAL WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND SHALL THEREAFTER REVIEW AND WHERE APPROPRIATE, REVISE SUCH POLICY AND PROCEDURES MANUAL ON AN ANNUAL BASIS. THE COMMISSIONER SHALL PROVIDE FOR SEMI-ANNUAL TRAINING, USING SUCH POLICY AND PROCEDURES MANUAL, FOR ALL DIVISION STAFF.

(H) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL PUBLISH A PROPOSED RULE ESTABLISHING A BILL OF RIGHTS FOR PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS. SUCH DRAFT BILL OF RIGHTS SHALL INCLUDE, BUT NOT BE LIMITED TO, AN EXPLANATION OF THE BENEFITS AND SERVICES FOR WHICH PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS MAY BE ELIGIBLE; TIMETABLES WITHIN WHICH SUCH BENEFITS AND SERVICES SHALL BE PROVIDED TO ELIGIBLE PERSONS; AN EXPLANATION OF AN APPLICANT'S AND RECIPIENT'S RIGHT TO EXAMINE HIS OR HER FILE AND THE PROCEDURE FOR DISPUTING ANY INFORMATION CONTAINED THEREIN; AN EXPLANATION OF AN APPLICANT'S AND RECIPIENT'S RIGHT TO A HOME OR HOSPITAL VISIT FOR THE PURPOSE OF APPLYING FOR OR MAINTAINING BENEFITS OR SERVICES; AN EXPLANATION OF THE PROCESS FOR REQUESTING A DIVISION CONFERENCE OR FAIR HEARING IN ACCORDANCE WITH SECTION TWENTY-TWO OF THIS CHAPTER; AND A SUMMARY OF THE RIGHTS AND REMEDIES FOR THE REDRESS OF DISCRIMINATION. WITHIN SIXTY DAYS FOLLOWING THE PUBLICATION OF SUCH PROPOSED RULE, AND PRIOR TO THE PUBLICATION OF A FINAL RULE, THE COMMISSIONER SHALL HOLD NO FEWER THAN ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED AT WHICH ADVOCATES, SERVICE PROVIDERS, PERSONS WHO HAVE TESTED POSITIVE FOR HIV, AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO COMMENT ON SUCH DRAFT BILL OF RIGHTS. THE COMMISSIONER SHALL PUBLISH A FINAL RULE WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND SHALL THEREAFTER REVIEW, AND WHERE APPROPRIATE, REVISE SUCH BILL OF RIGHTS ON AN ANNUAL BASIS. SUCH BILL OF RIGHTS SHALL BE CONSPICUOUSLY POSTED IN ALL DIVISION OFFICES THAT ARE OPEN TO THE PUBLIC AND SHALL BE AVAILABLE FOR DISTRIBUTION TO THE PUBLIC IN ENGLISH, SPANISH AND ANY OTHER LANGUAGES THAT THE COMMISSIONER DEEMS APPROPRIATE.

(I) NOT LATER THAN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH A POLICY OR PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY OF SERVICES REQUIRED PURSUANT TO THIS SECTION TO PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, QUALITY ASSURANCE MEAS-

UREMENTS. THE COMMISSIONER SHALL SUBMIT SUCH POLICY OR PROCEDURE TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE IN WRITING WITHIN TEN DAYS FROM THE DATE SUCH POLICY OR PROCEDURE IS ESTABLISHED.

(J) BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND NINE, AND ON THE FIRST DAY OF EACH CALENDAR QUARTER THEREAFTER, THE COMMISSIONER SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE, PROVIDING THE FOLLOWING INFORMATION DISAGGREGATED ON BOTH A QUARTERLY AND ANNUALIZED BASIS: THE NUMBER OF PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO REQUESTED THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION AND ANY OTHER BENEFITS PROVIDED BY THE COMMISSIONER, DISAGGREGATED BY THE FIELD OFFICE AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED, AND THE AVERAGE LENGTH OF TIME REQUIRED TO PROCESS SUCH REQUESTS, DISAGGREGATED BY THE FIELD OFFICE AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED; THE NUMBER OF PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO REQUESTED BENEFITS AND SERVICES AND WERE DETERMINED TO BE INELIGIBLE FOR SUCH BENEFITS AND SERVICES, DISAGGREGATED BY THE FIELD OFFICE, BY THE TYPE OF BENEFIT OR SERVICE REQUESTED, AND BY THE REASON FOR SUCH DETERMINATIONS; THE NUMBER OF DEPARTMENT STAFF, BY JOB TITLE, WHOSE DUTIES INCLUDE PROVIDING BENEFITS AND SERVICES OR ACCESS TO BENEFITS AND SERVICES PURSUANT TO THIS SECTION, THE NUMBER OF RECIPIENTS, THE NUMBER OF CASES AND THE NUMBER OF REQUESTS FOR ASSISTANCE, DISAGGREGATED BY THE FIELD OFFICE; THE AVERAGE LENGTH OF TIME FROM THE INITIAL REQUEST FOR BENEFITS AND SERVICES TO SUBMISSION OF A COMPLETE APPLICATION FOR SUCH BENEFITS AND SERVICES, THE AVERAGE LENGTH OF TIME FROM SUBMISSION OF SUCH COMPLETE APPLICATION TO GRANT OR DENIAL OF THE BENEFITS AND SERVICES REQUESTED, AND THE AVERAGE LENGTH OF TIME FROM THE GRANT OF SUCH BENEFITS AND SERVICES TO THE PROVISION OF SUCH BENEFITS AND SERVICES, DISAGGREGATED BY THE FIELD OFFICE AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED; THE AVERAGE LENGTH OF TIME FROM THE INITIAL REQUEST FOR AN EXCEPTION TO POLICY TO APPROVE ENHANCED RENTAL ASSISTANCE TO THE APPROVAL OR DISAPPROVAL OF SUCH EXCEPTION AND THE AVERAGE LENGTH OF TIME FROM THE APPROVAL OF SUCH EXCEPTION TO THE ISSUANCE OF SUCH ENHANCED RENTAL ASSISTANCE, DISAGGREGATED BY THE FIELD OFFICE; THE NUMBER OF REQUESTS FOR EMERGENCY HOUSING ASSISTANCE, THE NUMBER OF PERSONS REFERRED TO THE EMERGENCY ASSISTANCE UNIT OF THE DEPARTMENT OF HOMELESS SERVICES, THE NUMBER OF PERSONS REFERRED TO COMMERCIAL SINGLE ROOM OCCUPANCY HOTELS AND THE AVERAGE LENGTH OF STAY, AND THE NUMBER OF PERSONS REFERRED TO PERMANENT HOUSING; THE NUMBER OF PERSONS REQUESTING SUPPORTIVE HOUSING PLACEMENTS, THE NUMBER OF PERSONS REFERRED TO SUCH SUPPORTIVE HOUSING AND THE AVERAGE LENGTH OF TIME FROM REQUEST TO PLACEMENT; THE NUMBER OF CASES CLOSED, DISAGGREGATED BY FIELD OFFICE AND BY THE REASONS FOR SUCH CLOSURE, THE NUMBER OF SUCH CLOSED CASES THAT WERE RE-OPENED AND THE AVERAGE LENGTH OF TIME REQUIRED TO RE-OPEN SUCH CLOSED CASES; THE NUMBER OF ADMINISTRATIVE FAIR HEARINGS REQUESTED, THE NUMBER OF FAIR HEARING DECISIONS IN FAVOR OF APPLICANTS AND RECIPIENTS AND THE AVERAGE LENGTH OF TIME FOR COMPLIANCE WITH SUCH A FAIR HEARING DECISION; AND THE NUMBER OF PROCEEDINGS INITIATED PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES CHALLENGING FAIR HEARING DECISIONS, AND THE NUMBER OF ARTICLE SEVENTY-EIGHT DECISIONS RENDERED IN FAVOR OF APPLICANTS OR RECIPIENTS. FOR THE PURPOSES OF THIS SUBDIVISION, "FIELD OFFICE" SHALL MEAN ANY OFFICE OF THE DEPARTMENT AT WHICH PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS MAY ACCESS BENEFITS AND SERVICES.

(K) THERE SHALL BE AN ADVISORY BOARD TO ADVISE THE COMMISSIONER ON THE PROVISION OF BENEFITS AND SERVICES AND ACCESS TO BENEFITS AND SERVICES TO PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS AS REQUIRED BY THIS SECTION. THIS ADVISORY BOARD SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED FOR TWO YEAR TERMS AS FOLLOWS: FIVE MEMBERS, AT LEAST THREE OF WHOM SHALL BE ELIGIBLE FOR BENEFITS AND SERVICES PURSUANT TO THIS SECTION, TWO OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, AND ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY AND SIX MEMBERS, INCLUDING THE CHAIRPERSON OF THE ADVISORY BOARD, AT LEAST THREE OF WHOM SHALL BE ELIGIBLE FOR BENEFITS AND SERVICES PURSUANT TO THIS SECTION, TWO OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE OF WHOM SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY AND MEMBERS SHALL SERVE WITHOUT COMPENSATION. SUCH ADVISORY BOARD MAY FORMULATE AND RECOMMEND TO THE COMMISSIONER A POLICY OR PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY OF SERVICES TO PERSONS WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHICH MAY INCLUDE QUALITY ASSURANCE MEASUREMENTS. SUCH ADVISORY BOARD SHALL SUBMIT SUCH RECOMMENDED POLICY OR PROCEDURE TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE UPON SUBMISSION TO THE COMMISSIONER.

S 2. This act shall take effect immediately.