

2965

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 21, 2011

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Introduced by M. of A. WRIGHT, GLICK, PEOPLES-STOKES, MILLMAN, O'DONNELL, KAVANAGH, JAFFEE -- Multi-Sponsored by -- M. of A. CLARK, COLTON, DINOWITZ, FARRELL, GALEF, GOTTFRIED, HOOPER, JACOBS, LAVINE, McENENY, J. RIVERA, ROBINSON, TITONE, TOWNS, WEISENBERG -- 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-  
20    mines, based on clear medical evidence, that there is no basis for the  
21    individual's claim that he or she is unable to fully engage in work  
22    activities, and that the individual intentionally misrepresented his or  
23    her medical condition.  
24    S 2. This act shall take effect immediately.

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

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