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8087

2011-2012 Regular Sessions

I N   A S S E M B L Y

June 1, 2011
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Introduced by M. of A. TITUS -- read once and referred to the Committee
  on Social Services

AN ACT to amend the social services law, in relation to submission of
  evidence at fair hearings

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

 1   Section 1. Section 22 of the social services law is amended by adding
 2 a new subdivision 15 to read as follows:
 3   15. THE DEPARTMENT SHALL PERMIT SOCIAL SERVICES DISTRICTS TO SUBMIT
 4 THEIR EVIDENTIARY PACKAGES FOR ANY FAIR HEARING TO THE DEPARTMENT SOLELY
 5 IN AN ELECTRONIC FORMAT AND SHALL PROVIDE THE MEANS TO FACILITATE THE
 6 SOCIAL   SERVICES   DISTRICTS'   USE   OF ANY SUCH EVIDENTIARY PACKAGES FOR
 7 THEIR EVIDENTIARY PRESENTATIONS AT THE FAIR HEARING. NOTHING CONTAINED
 8 IN THIS SECTION SHALL REQUIRE A SOCIAL SERVICES DISTRICT TO SUBMIT ITS
 9 EVIDENTIARY PACKAGE IN AN ELECTRONIC FORMAT, NOR SHALL A SOCIAL SERVICES
10 DISTRICT, OR ANY OTHER PARTY TO A FAIR HEARING, BE PRECLUDED FROM OFFER-
11 ING INTO EVIDENCE DOCUMENTATION IN PAPER FORMAT, REGARDLESS OF THE MEDI-
12 UM USED TO CREATE, TRANSMIT, AND DISPLAY THE EVIDENTIARY PACKAGE AT THE
13 FAIR HEARING. IN CASES WHERE A PERSON ENTITLED TO AN APPEAL PURSUANT TO
14 THIS SECTION REQUESTS A PAPER COPY OF THE EVIDENTIARY PACKAGE EITHER
15 BEFORE THE HEARING OR AT THE HEARING, THE SOCIAL SERVICES DISTRICT SHALL
16 PROVIDE SUCH PAPER COPY EVEN IF SUCH DISTRICT WILL UTILIZE AN ELECTRONIC
17 FORMAT AT THE FAIR HEARING. REQUESTS MADE PRIOR TO THE FAIR HEARING
18 SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT.
19 WHEN NOTIFYING A PERSON ENTITLED TO AN APPEAL TO THE DEPARTMENT OF THE
20 SCHEDULING OF A FAIR HEARING, THE DEPARTMENT SHALL STATE THAT ANY SUCH
21 PERSON MAY REQUEST ORALLY OR IN WRITING A PAPER COPY OF THE EVIDENTIARY
22 PACKAGE TO BE PRESENTED BY THE SOCIAL SERVICES DISTRICT AT THE FAIR
23 HEARING.
24   S 2. This act shall take effect on the sixtieth day after it shall
25 have become a law.

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

                                                          LBD10772-01-1