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

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I N A S S E M B L Y

March 7, 2012

Introduced by M. of A. GOODELL -- Multi-Sponsored by -- M. of A. BLANKENBUSH, HANNA, P. LOPEZ, LOSQUADRO, TENNEY -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to permitting appeals to the department to be conducted by means of a conference telephone, video conference or similar communications systems with and by independent hearing officers

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

Section 1. Subdivision 2 of section 22 of the social services law, as added by chapter 473 of the laws of 1978, is amended to read as follows:

2. In connection with any appeal pursuant to this section, with or without a fair hearing, the commissioner may designate and authorize one or more appropriate members of his staff OR INDEPENDENT FAIR HEARING OFFICERS to consider and decide such appeals. Any staff member OR INDEPENDENT FAIR HEARING OFFICER so designated and authorized shall have authority to decide such appeals on behalf of the commissioner with the same force and effect as if the commissioner had made the decisions. Fair hearings held in connection with such appeals shall be held on behalf of the commissioner by members of his staff OR INDEPENDENT FAIR HEARING OFFICERS who are employed for such purposes or who have been designated and authorized by him therefor. THE FAIR HEARING MAY BE CONDUCTED BY MEANS OF A CONFERENCE TELEPHONE, VIDEO CONFERENCE EQUIPMENT OR SIMILAR COMMUNICATIONS EQUIPMENT ALLOWING ALL PERSONS PARTICIPATING IN SUCH HEARING TO HEAR EACH OTHER AT THE SAME TIME. The provisions of this subdivision shall apply to fair hearings conducted pursuant to subdivision eight of section four hundred twenty-two of this chapter, and to any hearing required pursuant to this chapter concerning the denial, suspension or revocation of any permit, certificate or license, and to any hearing held pursuant to section four hundred fifty-five of this chapter.

S 2. This act shall take effect immediately provided, however, that the commissioner may promulgate any rules or regulations necessary for the implementation of this act before this act shall have become a law.

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

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