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

4828

2011-2012 Regular Sessions

I N S E N A T E

April 27, 2011

Introduced by Sen. GALLIVAN -- 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 submission of evidence at fair hearings

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

Section 1. Section 22 of the social services law is amended by adding a new subdivision 15 to read as follows:

15. THE DEPARTMENT SHALL PERMIT SOCIAL SERVICES DISTRICTS TO SUBMIT THEIR EVIDENTIARY PACKAGES FOR ANY FAIR HEARING TO THE DEPARTMENT SOLELY IN AN ELECTRONIC FORMAT AND SHALL PROVIDE THE MEANS TO FACILITATE THE SOCIAL SERVICES DISTRICTS' USE OF ANY SUCH EVIDENTIARY PACKAGES FOR THEIR EVIDENTIARY PRESENTATIONS AT THE FAIR HEARING. NOTHING CONTAINED IN THIS SECTION SHALL REQUIRE A SOCIAL SERVICES DISTRICT TO SUBMIT ITS EVIDENTIARY PACKAGE IN AN ELECTRONIC FORMAT, NOR SHALL A SOCIAL SERVICES DISTRICT, OR ANY OTHER PARTY TO A FAIR HEARING, BE PRECLUDED FROM OFFERING INTO EVIDENCE DOCUMENTATION IN PAPER FORMAT, REGARDLESS OF THE MEDIUM USED TO CREATE, TRANSMIT, AND DISPLAY THE EVIDENTIARY PACKAGE AT THE FAIR HEARING. IN CASES WHERE A PERSON ENTITLED TO AN APPEAL PURSUANT TO THIS SECTION REQUESTS A PAPER COPY OF THE EVIDENTIARY PACKAGE EITHER BEFORE THE HEARING OR AT THE HEARING, THE SOCIAL SERVICES DISTRICT SHALL PROVIDE SUCH PAPER COPY EVEN IF SUCH DISTRICT WILL UTILIZE AN ELECTRONIC FORMAT AT THE FAIR HEARING. REQUESTS MADE PRIOR TO THE FAIR HEARING SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT. WHEN NOTIFYING A PERSON ENTITLED TO AN APPEAL TO THE DEPARTMENT OF THE SCHEDULING OF A FAIR HEARING, THE DEPARTMENT SHALL STATE THAT ANY SUCH PERSON MAY REQUEST ORALLY OR IN WRITING A PAPER COPY OF THE EVIDENTIARY PACKAGE TO BE PRESENTED BY THE SOCIAL SERVICES DISTRICT AT THE FAIR HEARING.

S 2. This act shall take effect on the sixtieth day after it 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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