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

(PREFILED)

January 4, 2012

Introduced by M. of A. CASTELLI -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to creating a veterans' clearinghouse for purposes of identifying veterans eligible for benefits

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

Section 1. The executive law is amended by adding a new section 369 to read as follows:

S 369. VETERANS' CLEARINGHOUSE. 1. THE DIVISION IS HEREBY DIRECTED TO CREATE AND MAINTAIN A CENTRALIZED DATABASE, TO BE KNOWN AS THE VETERANS' CLEARINGHOUSE, WHICH SHALL COLLECT INFORMATION RELATING TO THE IDENTIFICATION OF VETERANS RESIDING IN THE STATE AND THE STATE OR FEDERAL BENEFITS RECEIVED OR AVAILABLE TO VETERANS SO IDENTIFIED.

2. THE DIVISION OF VETERANS' AFFAIRS SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF VETERANS' AFFAIRS THAT ALLOWS FOR THE SHARING OF INFORMATION RELATING TO THE IDENTIFICATION OF VETERANS RESIDING IN THE STATE WHO ARE RECEIVING OR ELIGIBLE FOR FEDERAL VETERANS' BENEFITS.

3. ALL DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH PROVIDE ASSISTANCE OR OTHER BENEFITS TO INDIVIDUALS, WHEN THE PROVISION OF SUCH ASSISTANCE OR BENEFITS IS RELATED TO THE RECIPIENT'S VETERAN STATUS OR MILITARY EXPERIENCES, SHALL REQUEST THAT SUCH ASSISTED PERSONS PROVIDE INFORMATION WITH REGARD TO THEIR VETERAN STATUS AND MILITARY EXPERIENCES AND SHALL REPORT SUCH INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS FOR INCLUSION IN THE VETERANS' CLEARINGHOUSE. SUCH INFORMATION SHARING SHALL BE FOR THE PURPOSES OF ALLOWING THE DIVISION OF VETERANS' AFFAIRS TO (A) EXAMINE WHETHER ANY SUCH VETERANS ARE ELIGIBLE FOR FEDERAL OR STATE BENEFITS, AND (B) FORMULATE POLICIES THAT ASSIST SUCH VETERANS IN OBTAINING SUCH BENEFITS. INDIVIDUALS IDENTIFYING THEMSELVES AS VETERANS SHALL BE ADVISED THAT THE DIVISION OF VETERANS' AFFAIRS AND LOCAL VETERANS' SERVICE AGENCIES ESTABLISHED PURSUANT TO SECTION THREE HUNDRED

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

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FIFTY-SEVEN OF THIS ARTICLE PROVIDE ASSISTANCE TO VETERANS REGARDING BENEFITS UNDER FEDERAL AND STATE LAW.

4. THE DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH ARE REQUIRED TO REPORT INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS FOR INCLUSION IN THE VETERANS' CLEARINGHOUSE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, SHALL SUBMIT SUCH A REPORT ON A QUARTERLY BASIS IN A FORM AND MANNER TO BE DETERMINED BY THE DIRECTOR OF VETERANS' AFFAIRS.

5. THE DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH ARE REQUIRED TO REPORT INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS FOR INCLUSION IN THE VETERANS' CLEARINGHOUSE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THOSE DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH ARE SUBJECT TO THE REQUIREMENTS OF SECTION THREE HUNDRED FIFTY-FOUR-A OF THIS ARTICLE, AND:

(A) THE DIVISION OF MILITARY AND NAVAL AFFAIRS;

(B) LOCAL ASSESSOR UNITS, WHICH SHALL BE REQUIRED TO REPORT INFORMATION REGARDING OWNERS OF REAL PROPERTY WHO ARE RECIPIENTS OF THE REAL PROPERTY TAX EXEMPTION PROVIDED BY SECTION FOUR HUNDRED FIFTY-EIGHT OR FOUR HUNDRED FIFTY-EIGHT-A OF THE REAL PROPERTY TAX LAW;

(C) THE HIGHER EDUCATION SERVICES CORPORATION, WHICH SHALL BE REQUIRED TO REPORT INFORMATION REGARDING THE IDENTITY OF ANY RECIPIENTS OF THE VETERANS' TUITION AWARD PROVIDED BY SECTION SIX HUNDRED SIXTY-NINE-A OF THE EDUCATION LAW;

(D) THE BOARD OF VISITORS OF EACH STATE VETERANS' HOME, WHICH SHALL BE REQUIRED TO REPORT INFORMATION REGARDING THE IDENTITY OF RESIDENTS OF EACH HOME ADMITTED PURSUANT TO SECTION TWENTY-SIX HUNDRED THIRTY-TWO OF THE PUBLIC HEALTH LAW; AND

(E) COUNTY AND CITY VETERANS' SERVICE AGENCIES.

6. INFORMATION REGARDING VETERANS' STATUS AND MILITARY SERVICE PROVIDED BY ASSISTED PERSONS SOLELY TO IMPLEMENT THIS SECTION SHALL BE PROTECTED AS PERSONAL CONFIDENTIAL INFORMATION UNDER ARTICLE SIX-A OF THE PUBLIC OFFICERS LAW AGAINST DISCLOSURE OF CONFIDENTIAL MATERIAL, AND USED ONLY TO ASSIST IN THE DIAGNOSIS, TREATMENT, ASSESSMENT AND HANDLING OF THE VETERAN'S PROBLEMS WITHIN THE AGENCY REQUESTING SUCH INFORMATION AND IN REFERRING THE VETERAN TO THE DIVISION OF VETERANS' AFFAIRS FOR INFORMATION AND ASSISTANCE WITH REGARD TO BENEFITS AND ENTITLEMENTS UNDER FEDERAL AND STATE LAW.

7. THE DIVISION OF VETERANS' AFFAIRS SHALL COLLECT AND MAINTAIN INFORMATION CONCERNING SUCH VETERANS IN ACCORDANCE WITH LAW AND THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L. 104-191) (HIPAA), AS AMENDED FROM TIME TO TIME, OR REGULATIONS ADOPTED THEREUNDER.

8. THE DIRECTOR OF VETERANS' AFFAIRS SHALL PROMULGATE RULES AND REGULATIONS TO PROVIDE FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

S 2. Section 354-a of the executive law, as amended by section 95 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

S 354-a. Information on status of veterans receiving assistance. Departments, divisions, bureaus, boards, commissions and agencies of the state and political subdivisions thereof, which provide assistance, treatment, counseling, care, supervision or custody in service areas involving health, mental health, family services, criminal justice or employment, including but not limited to the office of alcoholism and

substance abuse services, office of mental health, office of probation and correctional alternatives, office of children and family services, office of temporary and disability assistance, department of health, department of labor, local workforce investment boards, office for people with developmental disabilities, and department of corrections and community supervision, shall request assisted persons to provide information with regard to their veteran status and military experiences. Individuals identifying themselves as veterans shall be advised that the division of veterans' affairs and local veterans' service agencies established pursuant to section three hundred fifty-seven of this article provide assistance to veterans regarding benefits under federal and state law. Information regarding veterans status and military service provided by assisted persons solely to implement this section shall be protected as personal confidential information under article six-A of the public officers law against disclosure of confidential material, and used only to assist in the diagnosis, treatment, assessment and handling of the veteran's problems within the agency requesting such information and in referring the veteran to the division of veterans' affairs for information and assistance with regard to benefits and entitlements under federal and state law. INFORMATION PROVIDED TO THE DIVISION OF VETERANS' AFFAIRS PURSUANT TO THIS SECTION SHALL BE INCLUDED IN THE VETERANS' CLEARINGHOUSE ESTABLISHED PURSUANT TO SECTION THREE HUNDRED SIXTY-NINE OF THIS ARTICLE.

S 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.