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I N   S E N A T E

May 14, 2014

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to services for individuals with developmental disabilities

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

1     Section 1. Paragraphs (a) and (a-1) of subdivision 8 of section 4403  
2 of the public health law, as added by section 74 of part A of chapter 56  
3 of the laws of 2013, are amended to read as follows:  
4     (a) Such organization must have the ability to provide or coordinate  
5 services for persons with developmental disabilities, as demonstrated by  
6 criteria to be determined by the commissioner and the commissioner of  
7 the office for people with developmental disabilities. Such criteria  
8 shall include, but not be limited to, adequate experience providing or  
9 coordinating services for persons with developmental disabilities[.]  
10 UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOP-  
11 MENTAL DISABILITIES;  
12     (a-1) If the commissioner and the commissioner of the office for  
13 people with developmental disabilities determine that such organization  
14 lacks the experience required in paragraph (a) of this subdivision, the  
15 organization shall have an affiliation arrangement with an entity or  
16 entities THAT ARE NON-PROFIT with experience serving persons with devel-  
17 opmental disabilities UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR  
18 PEOPLE WITH DEVELOPMENTAL DISABILITIES, INCLUDING, BUT NOT LIMITED TO,  
19 RESIDENTIAL, DAY, AND EMPLOYMENT SERVICES such that the affiliated enti-  
20 ty will coordinate and plan services operated, certified, funded,  
21 authorized or approved by the office for people with developmental disa-  
22 bilities or will oversee and approve such coordination and planning;  
23     S 2. Paragraphs (a) and (a-1) of subdivision 12 of section 4403-f of  
24 the public health law, as added by section 76 of part A of chapter 56 of  
25 the laws of 2013, are amended to read as follows:

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

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1 (a) Such plan must have the ability to provide or coordinate services  
2 for persons with developmental disabilities as demonstrated by criteria  
3 to be determined by the commissioner and the commissioner of the office  
4 for people with developmental disabilities. Such criteria shall include,  
5 but not be limited to, adequate experience providing or coordinating  
6 services for persons with developmental disabilities UNDER THE REGULATO-  
7 RY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES;

8 (a-1) If the commissioner and the commissioner of the office for  
9 people with developmental disabilities determine that such plan lacks  
10 the experience required in paragraph (a) of this subdivision, the plan  
11 shall have an affiliation arrangement with an entity or entities THAT  
12 ARE NON-PROFIT with experience serving persons with developmental disa-  
13 bilities UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH  
14 DEVELOPMENTAL DISABILITIES, INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL,  
15 DAY AND EMPLOYMENT SERVICES, such that the affiliated entity will coor-  
16 dinate and plan services operated, certified, funded, authorized or  
17 approved by the office for people with developmental disabilities or  
18 will oversee and approve such coordination and planning;

19 S 3. This act shall take effect immediately, provided, however, that  
20 the amendments to subdivision 8 of section 4403 of the public health law  
21 made by section one of this act shall not affect the repeal of such  
22 subdivision and shall be deemed repealed therewith; provided, further  
23 that the amendments to subdivision 12 of section 4403-f of the public  
24 health law made by section two of this act shall not affect the repeal  
25 of such subdivision and such section and shall be deemed repealed there-  
26 with.