

6962

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 25, 2013

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Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to the creation of the managed care for persons with developmental disabilities advocacy program

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

1     Section 1. Section 13.40 of the mental hygiene law is amended by  
2     adding a new subdivision (h) to read as follows:  
3     (H) THE COMMISSIONER AND THE COMMISSIONER OF HEALTH SHALL JOINTLY  
4     ESTABLISH THE MANAGED CARE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES  
5     ADVOCACY PROGRAM, HEREINAFTER REFERRED TO AS THE ADVOCACY PROGRAM. THE  
6     ADVOCACY PROGRAM MAY BE INTEGRATED WITH AND PROVIDED IN ADDITION TO  
7     INDEPENDENT MEDICAID MANAGED CARE OMBUDS SERVICES PROVIDED TO PERSONS  
8     WITH DISABILITIES ENROLLING IN MEDICAID MANAGED CARE. THE ADVOCACY  
9     PROGRAM SHALL: ADVISE INDIVIDUALS OF APPLICABLE RIGHTS AND RESPONSIBILITIES,  
10    INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO TREATMENT, PERSON  
11    CENTERED CARE, CARE IN THE MOST INTEGRATED SETTING, AND THE RIGHT TO  
12    CONTEST DECISIONS MADE BY A MANAGED CARE COMPANY; PROVIDE INFORMATION,  
13    REFERRALS AND TECHNICAL ASSISTANCE TO ADDRESS THE NEEDS OF INDIVIDUALS  
14    WITH DISABILITIES; AND PURSUE LEGAL, ADMINISTRATIVE AND OTHER APPROPRIATE  
15    REMEDIES OR APPROACHES TO ENSURE THE PROTECTION OF AND ADVOCACY FOR  
16    THE RIGHTS OF THE ENROLLEES. THE ADVOCACY PROGRAM SHALL ALSO PROVIDE  
17    SUPPORT TO ELIGIBLE INDIVIDUALS ENROLLING IN DISCOS, HMOS PROVIDING  
18    SERVICES PURSUANT TO SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED  
19    THREE OF THE PUBLIC HEALTH LAW, AND MANAGED LONG TERM CARE PLANS PROVIDING  
20    SERVICES UNDER SUBDIVISIONS TWELVE, THIRTEEN AND FOURTEEN OF SECTION  
21    FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW; SUPPORT DURING THE  
22    PERSON-CENTERED PLANNING PROCESS AND RELATED PROCESSES INCLUDING UPDATES  
23    TO THE PERSON-CENTERED CARE PLAN; AND ASSISTANCE WITH SECURING HOUSING,

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

LBD10533-01-3

1 EMPLOYMENT, AND COMMUNITY-BASED SUPPORTS AND SERVICES THAT FALL OUTSIDE  
2 OF THE SCOPE OF DISCO SERVICES AND SUPPORTS.  
3 THE COMMISSIONERS SHALL JOINTLY DESIGNATE AN INDEPENDENT AGENCY OR  
4 ORGANIZATION TO ADMINISTER THE ADVOCACY PROGRAM. SUCH AGENCY MAY BE THE  
5 AGENCY COORDINATING THE INDEPENDENT MEDICAID MANAGED CARE OMBUDS  
6 SERVICES, OR A SUB-CONTRACTOR OF THAT AGENCY. THE ADVOCACY PROGRAM SHALL  
7 BE ADVISED BY A BOARD, WHOSE MEMBERSHIP SHALL REFLECT REPRESENTATION OF  
8 THE DEVELOPMENTAL DISABILITY POPULATION.  
9 S 2. This act shall take effect immediately.