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

6962--A

Cal. No. 494

2013-2014 Regular Sessions

I N A S S E M B L Y

April 25, 2013

Introduced by M. of A. GUNTHER, OTIS, JAFFEE, BARRETT, McDONALD, GABRYSZAK -- read once and referred to the Committee on Mental Health -- reported and referred to the Committee on Codes -- reported and referred to the Committee on Ways and Means -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

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:

Section 1. Section 13.40 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:

(H) THE COMMISSIONER AND THE COMMISSIONER OF HEALTH SHALL JOINTLY ESTABLISH THE MANAGED CARE FOR PERSONS WITH DEVELOPMENTAL DISABILITIES ADVOCACY PROGRAM, HEREINAFTER REFERRED TO AS THE ADVOCACY PROGRAM. THE ADVOCACY PROGRAM SHALL BE INTEGRATED WITH AND PROVIDED IN ADDITION TO INDEPENDENT MEDICAID MANAGED CARE OMBUDS SERVICES PROVIDED TO PERSONS WITH DISABILITIES ENROLLING IN MEDICAID MANAGED CARE. THE ADVOCACY PROGRAM SHALL: ADVISE INDIVIDUALS OF APPLICABLE RIGHTS AND RESPONSIBILITIES, INCLUDING, BUT NOT LIMITED TO, THE RIGHT TO TREATMENT, PERSON CENTERED CARE, CARE IN THE MOST INTEGRATED SETTING, AND THE RIGHT TO CONTEST DECISIONS MADE BY A MANAGED CARE COMPANY; PROVIDE INFORMATION, REFERRALS AND TECHNICAL ASSISTANCE TO ADDRESS THE NEEDS OF INDIVIDUALS WITH DISABILITIES; AND PURSUE LEGAL, ADMINISTRATIVE AND OTHER APPROPRIATE REMEDIES OR APPROACHES TO ENSURE THE PROTECTION OF AND ADVOCACY FOR THE RIGHTS OF THE ENROLLEES. THE ADVOCACY PROGRAM SHALL ALSO PROVIDE SUPPORT TO ELIGIBLE INDIVIDUALS ENROLLING IN DISCOS, HMOS PROVIDING SERVICES PURSUANT TO SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED THREE OF THE PUBLIC HEALTH LAW, MANAGED LONG TERM CARE PLANS PROVIDING

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

LBD10533-07-3

SERVICES UNDER SUBDIVISIONS TWELVE, THIRTEEN AND FOURTEEN OF SECTION FORTY-FOUR HUNDRED THREE-F OF THE PUBLIC HEALTH LAW, FULLY INTEGRATED DUAL ADVANTAGE PROVIDING SERVICES UNDER SUBDIVISION TWENTY-SEVEN OF SECTION THREE HUNDRED SIXTY-FOUR-J OF THE SOCIAL SERVICES LAW, AND ANY OTHER MANAGED CARE ENTITY; SUPPORT DURING THE PERSON-CENTERED PLANNING PROCESS AND RELATED PROCESSES INCLUDING UPDATES TO THE PERSON-CENTERED CARE PLAN; AND ASSISTANCE WITH SECURING HOUSING, EMPLOYMENT, AND COMMUNITY-BASED SUPPORTS AND SERVICES THAT FALL OUTSIDE OF THE SCOPE OF DISCO SERVICES AND SUPPORTS.

THE COMMISSIONERS SHALL JOINTLY DESIGNATE AN INDEPENDENT AGENCY OR ORGANIZATION TO ADMINISTER THE ADVOCACY PROGRAM. SUCH AGENCY SHALL BE THE AGENCY COORDINATING THE INDEPENDENT MEDICAID MANAGED CARE OMBUDS SERVICES, OR A SUB-CONTRACTOR OF THAT AGENCY. THE ADVOCACY PROGRAM SHALL BE ADVISED BY A BOARD, WHOSE MEMBERSHIP SHALL REFLECT REPRESENTATION OF THE DEVELOPMENTAL DISABILITY POPULATION.

S 2. Nothing in this act is intended to transfer to the developmental disabilities advocacy program created by subdivision (h) of section 13.40 of the mental hygiene law any current duties, including Medicaid service coordination, of state employees who are employed by the office for people with developmental disabilities.

S 3. This act shall take effect immediately.