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I N   S E N A T E

February 21, 2014

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Introduced by Sens. CARLUCCI, AVELLA, MAZIARZ, RANZENHOFER, TKACZYK, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- 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 relating to the administration of services to people with developmental disabilities

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

1     Section 1. The legislature hereby finds that the policy known as the  
2     "front door" is being implemented to allocate services to people with  
3     developmental disabilities based on person-centered planning. Widespread  
4     reports suggest that the number of persons in critical need is growing  
5     larger and more severe for a broad range of people with developmental  
6     disabilities, including those transitioning out of school, those living  
7     with aging caregivers, and those who live at home but are in need of  
8     more intensive services. Compounding this situation, it has been found  
9     that while individuals linger in inappropriate settings there are vacancies that remain at provider agencies. To reduce delays and create a  
10    more efficient and seamless coordination of services, it is paramount  
11    that transparent and more timely guidance is provided to individuals in  
12    need of services and their families. In addition, clear guidance must be  
13    given to providers of services to ensure that services are utilized in a  
14    meaningful and thoughtful manner.

15    S 2. The commissioner of the office for people with developmental  
16    disabilities, in collaboration with the developmental disabilities advisory council established pursuant to section 13.05 of the mental hygiene  
17    law, shall develop a plan for implementing the front door process. Such  
18    commissioner shall submit the plan to the temporary president of the  
19    senate and the speaker of the assembly no later than January 1, 2015 and  
20     
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 implement guidelines putting the plan into effect no later than April 1,  
2 2015. The plan shall consist of proposals to address the following:

3 (a) The critical needs of people with developmental disabilities  
4 living at home with persons whose ability to act as caregiver has been  
5 diminished by age, disability or any other relevant factors and develop  
6 clear and transparent guidelines for when in-home placement is appropri-  
7 ate and when out-of-home placement is appropriate. Such guidelines shall  
8 address what services are necessary to enable the family to continue to  
9 provide care for the person at their home and in accordance with proce-  
10 dures established by the office, when continued care by the family may  
11 adversely affect the health, safety or welfare of the person with devel-  
12 opmental disabilities and/or his or her family and require an independ-  
13 ent community setting.

14 (b) Develop, and update quarterly, waiting lists for services provided  
15 to people with developmental disabilities.

16 (c) Provide clear and specific guidelines outlining criteria for when  
17 self-direction is and is not appropriate for individuals.

18 (d) Provide guidelines for a clear, expeditious and transparent proc-  
19 ess for allocating residential placements and other critical services to  
20 persons based on their individual needs. Such process shall be consist-  
21 ent across the state and where exceptions are made such exceptions shall  
22 be made in explicit recognition of clear and rational factors. Such  
23 guidelines shall:

24 (1) Ensure that critical needs are met in a timely fashion;

25 (2) Provide an expedited appeals process to review and finally deter-  
26 mine authorized requests for critical services when the state has not  
27 granted such a request promptly considering the circumstances, provided,  
28 however, that such appeal must be authorized if the request has not been  
29 granted within ten business days.

30 (3) Provide linguistically and culturally appropriate information on  
31 services and access to services in a universally clear and transparent  
32 manner.

33 (4) Provide designated staff which may include a Medicaid service  
34 coordinator to assist prospective service recipients and their families  
35 with navigating the front door process.

36 (5) Provide a process to ensure that people in crisis are not subject  
37 to the front door process and receive immediate services.

38 (6) Report on the extent to which the front door policy, as it has  
39 been implemented, is consistent with applicable requirements for the  
40 home and community based waiver regarding timeliness of decisions,  
41 comprehensiveness of necessary services, choice, persons centered plan-  
42 ning and other matters affecting the appropriateness and adequacy of  
43 services for people with developmental disabilities.

44 (7) Provide guidelines to facilitate and support the evaluation of  
45 post-secondary options for individuals with developmental disabilities  
46 consistent with subparagraph 5 of paragraph b of subdivision 1 of  
47 section 4402 of the education law.

48 S 3. This act shall take effect immediately.