

7943

I N S E N A T E

October 6, 2014

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to establishing the state division of AIDS services

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

1 Section 1. The social services law is amended by adding a new section
2 138 to read as follows:
3 S 138. DIVISION OF AIDS SERVICES. 1. THERE SHALL BE A STATE DIVISION
4 OF AIDS SERVICES WITHIN THE OFFICE OF TEMPORARY AND DISABILITY ASSIST-
5 ANCE. SUCH DIVISION SHALL PROVIDE ACCESS TO BENEFITS AND SERVICES AS
6 DEFINED IN SUBDIVISION THREE OF THIS SECTION TO EVERY PERSON INFECTED
7 WITH HIV AND TO EVERY PERSON WITH CLINICAL/SYMPTOMATIC HIV ILLNESS, AS
8 DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AIDS INSTITUTE, OR
9 WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
10 PREVENTION, WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF
11 BENEFITS AND SERVICES TO ELIGIBLE PERSONS INFECTED WITH HIV AS DEFINED
12 IN SUBDIVISION THREE OF THIS SECTION WITH CLINICAL/SYMPTOMATIC HIV
13 ILLNESS OR WITH AIDS.
14 2. THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSIST-
15 ANCE SHALL DIRECT STAFF OF THE STATE DIVISION OF AIDS SERVICES TO
16 PROVIDE TO PERSONS INFECTED WITH HIV, PERSONS WITH CLINICAL/SYMPTOMATIC
17 HIV ILLNESS, AS DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH
18 AIDS INSTITUTE, OR PERSONS WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS
19 FOR DISEASE CONTROL AND PREVENTION, WHO SATISFY THE INCOME ELIGIBILITY
20 REQUIREMENTS FOR MEDICAID AS SET FORTH IN U.S.C. 1396 ET SEQ.: (A)
21 INTENSIVE CASE MANAGEMENT WITH AN AVERAGE RATIO WHICH SHALL NOT EXCEED
22 ONE CASEWORKER OR SUPERVISOR TO TWENTY-FIVE FAMILY CASES, AND WITH AN
23 OVERALL AVERAGE RATIO FOR ALL CASES WHICH SHALL NOT EXCEED ONE CASEWORK-
24 ER OR SUPERVISOR TO THIRTY-FOUR CASES; AND (B) TRANSPORTATION AND NUTRI-
25 TION ALLOWANCES. SUCH TRANSPORTATION AND NUTRITION ALLOWANCES SHALL BE
26 PROVIDED TO EACH SUCH PERSON IN AN AMOUNT NOT LESS THAN THE AMOUNT PER
27 PERSON PROVIDED ON THE EFFECTIVE DATE OF THIS SECTION. NOTWITHSTANDING
28 THE REQUIREMENTS OF THIS SUBDIVISION, IN THE EVENT OF A MATERIAL

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

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REDUCTION IN THE STATE OF NEW YORK'S FUNDING ALLOCATION, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE MAY MODIFY SUCH AMOUNT OF ALLOWANCES.

3. (A) WHENEVER USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "ACCESS TO BENEFITS AND SERVICES" SHALL MEAN THE PROVISION OF ASSISTANCE BY STAFF OF THE DIVISION TO A PERSON INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS AT A SINGLE LOCATION IN ORDER TO APPLY FOR PUBLICLY SUBSIDIZED BENEFITS AND SERVICES, TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY INCLUDING, BUT NOT LIMITED TO, THOSE ELEMENTS REQUIRED TO BE ESTABLISHED FOR FINANCIAL BENEFITS, AND TO MAINTAIN SUCH ELIGIBILITY AND SHALL INCLUDE, BUT NOT BE LIMITED TO, ASSISTANCE PROVIDED BY THE OFFICE, AT THE HOME OF THE APPLICANT OR RECIPIENT, AT A HOSPITAL WHERE SUCH APPLICANT OR RECIPIENT IS A PATIENT OR AT ANOTHER LOCATION, IN ASSEMBLING SUCH DOCUMENTATION AS MAY BE NECESSARY TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY AND TO MAINTAIN SUCH ELIGIBILITY;

(2) "DIVISION" SHALL MEAN THE STATE DIVISION OF AIDS SERVICES AS ESTABLISHED PURSUANT TO SUBDIVISION ONE OF THIS SECTION;

(3) "ELIGIBLE PERSON" SHALL MEAN A PERSON WHO SATISFIES THE ELIGIBILITY REQUIREMENTS ESTABLISHED PURSUANT TO APPLICABLE LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION FOR THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION OR FOR ANY OTHER BENEFITS AND SERVICES DEEMED APPROPRIATE BY THE COMMISSIONER;

(4) "MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING" SHALL MEAN HOUSING WHICH IS SUITABLE FOR PERSONS WITH SEVERELY COMPROMISED IMMUNE SYSTEMS, AND IF NECESSARY, ACCESSIBLE TO PERSONS WITH DISABILITIES. SUCH HOUSING SHALL INCLUDE, BUT NOT BE LIMITED TO, INDIVIDUAL REFRIGERATED FOOD AND MEDICINE STORAGE AND ADEQUATE BATHROOM FACILITIES WHICH SHALL, AT A MINIMUM, PROVIDE AN EFFECTIVE LOCKING MECHANISM AND ANY OTHER SUCH MEASURES AS ARE NECESSARY TO ENSURE PRIVACY;

(5) "PERSON INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS" SHALL MEAN A PERSON WHO HAS RECEIVED A CONCLUSIVE DETERMINATION THAT HE OR SHE IS HIV POSITIVE OR WHO HAS AT ANY TIME BEEN DIAGNOSED WITH CLINICAL/SYMPTOMATIC HIV ILLNESS, AS DETERMINED BY THE NEW YORK STATE DEPARTMENT OF HEALTH AIDS INSTITUTE, OR A PERSON WITH AIDS, AS DEFINED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION;

(6) "OFFICE" SHALL MEAN THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE; AND

(7) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

(B) THE COMMISSIONER SHALL DIRECT STAFF OF THE DIVISION TO PROVIDE ACCESS TO BENEFITS AND SERVICES TO EVERY ELIGIBLE PERSON INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO ELIGIBLE PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS AND WITH AIDS. ANY ELIGIBLE PERSON SHALL RECEIVE ONLY THOSE BENEFITS AND SERVICES FOR WHICH SUCH PERSON QUALIFIES IN ACCORDANCE WITH THE APPLICABLE ELIGIBILITY STANDARDS ESTABLISHED PURSUANT TO LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. SUCH BENEFITS AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO: MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING; MEDICAID, AS SET FORTH IN 42 U.S.C. 1396 ET SEQ. AND OTHER HEALTH-RELATED SERVICES; LONG TERM CARE AND SERVICES PROVIDED BY A CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM OR AIDS HOME CARE PROGRAM AUTHORIZED PURSUANT TO ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW; PERSONAL CARE SERVICES

1 PURSUANT TO THIS ARTICLE; HOMEMAKER SERVICES AS DEFINED IN SUBDIVISION
2 SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THE PUBLIC HEALTH LAW; FOOD
3 STAMPS IN ACCORDANCE WITH SECTION NINETY-FIVE OF THIS CHAPTER; TRANSPOR-
4 TATION AND NUTRITION ALLOWANCES AS REQUIRED BY SUBDIVISION TWO OF THIS
5 SECTION; PREVENTATIVE SERVICES, INCLUDING RENT SUBSIDIES, IN ACCORDANCE
6 WITH SECTION FOUR HUNDRED NINE-A OF THIS CHAPTER; FINANCIAL BENEFITS;
7 AND INTENSIVE CASE MANAGEMENT AS REQUIRED BY SUBDIVISION TWO OF THIS
8 SECTION. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO PROVIDE ACCESS TO
9 ADDITIONAL BENEFITS AND SERVICES AND ENSURE THE PROVISION OF SUCH ADDI-
10 TIONAL BENEFITS AND SERVICES WHENEVER DEEMED APPROPRIATE. THE REQUIRE-
11 MENTS WITH RESPECT TO SUCH ACCESS TO AND ELIGIBILITY FOR BENEFITS AND
12 SERVICES SHALL NOT BE MORE RESTRICTIVE THAN THOSE REQUIREMENTS MANDATED
13 BY STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. WITHIN THIRTY DAYS
14 OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH
15 CRITERIA PURSUANT TO WHICH AN APPLICANT SHALL BE ENTITLED TO A HOME OR
16 HOSPITAL VISIT FOR THE PURPOSE OF ESTABLISHING ELIGIBILITY AND APPLYING
17 FOR BENEFITS AND SERVICES.

18 (C)(1) UPON WRITTEN OR ORAL APPLICATION TO THE DIVISION OR SUBMISSION
19 OF DOCUMENTS REQUIRED TO ESTABLISH ELIGIBILITY FOR BENEFITS AND SERVICES
20 BY A PERSON INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR
21 WITH AIDS, SUCH PERSON SHALL IMMEDIATELY BE PROVIDED WITH A RECEIPT
22 WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE, A DESCRIPTION OF
23 THE INFORMATION RECEIVED, AND A STATEMENT AS TO WHETHER ANY APPLICATION
24 FOR SUCH BENEFITS AND SERVICES IS COMPLETE OR INCOMPLETE, AND IF INCOM-
25 PLETE, SUCH RECEIPT SHALL IDENTIFY ANY INFORMATION OR DOCUMENTS NEEDED
26 IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE.

27 (2) WHERE NO STATUTE, LAW, RULE OR REGULATION PROVIDES A TIME PERIOD
28 WITHIN WHICH A BENEFIT OR SERVICE SHALL BE PROVIDED TO AN ELIGIBLE
29 PERSON WHO REQUESTS SUCH A BENEFIT OR SERVICE, SUCH BENEFIT OR SERVICE
30 SHALL BE PROVIDED NO LATER THAN TWENTY BUSINESS DAYS FOLLOWING
31 SUBMISSION OF ALL INFORMATION OR DOCUMENTATION REQUIRED TO DETERMINE
32 ELIGIBILITY.

33 (D) WHERE A PERSON INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV
34 ILLNESS OR WITH AIDS WHO APPLIES FOR BENEFITS AND SERVICES, OR ACCESS TO
35 BENEFITS AND SERVICES, INDICATES THAT ONE OR MORE MINOR CHILDREN RESIDE
36 WITH HIM OR HER OR ARE IN HIS OR HER CARE OR CUSTODY, SUCH PERSON SHALL
37 BE GIVEN INFORMATION AND PROGRAM REFERRALS ON CHILD CARE OPTIONS AND
38 CUSTODY PLANNING, INCLUDING THE AVAILABILITY OF STANDBY GUARDIANSHIP
39 PURSUANT TO SECTION SEVENTEEN HUNDRED TWENTY-SIX OF THE SURROGATE'S
40 COURT PROCEDURE ACT AND REFERRAL TO LEGAL ASSISTANCE PROGRAMS.

41 (E) RECERTIFICATION OF ELIGIBILITY, AS REQUIRED BY ANY STATE OR FEDER-
42 AL LAW, STATUTE, RULE OR REGULATION SHALL BE CONDUCTED NO MORE FREQUENT-
43 LY THAN MANDATED BY SUCH STATUTE, LAW, RULE OR REGULATION.

44 (F) ELIGIBILITY FOR BENEFITS AND SERVICES FOR PERSONS INFECTED WITH
45 HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS MAY NOT BE
46 TERMINATED EXCEPT WHERE THE RECIPIENT IS DETERMINED TO NO LONGER SATISFY
47 ELIGIBILITY REQUIREMENTS, IS DECEASED, OR UPON CERTIFICATION BY THE
48 COMMISSIONER THAT THE RECIPIENT CANNOT BE LOCATED TO VERIFY HIS OR HER
49 CONTINUED ELIGIBILITY FOR BENEFITS AND SERVICES. IN THE LATTER CIRCUM-
50 STANCE, THE DIVISION SHALL CONDUCT A REASONABLE GOOD FAITH SEARCH FOR AT
51 LEAST A NINETY DAY PERIOD TO LOCATE THE RECIPIENT, INCLUDING SENDING
52 WRITTEN NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST
53 KNOWN ADDRESS OF SUCH RECIPIENT, REQUIRING THE RECIPIENT TO CONTACT THE
54 DIVISION WITHIN TEN DAYS.

55 (G) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION,
56 THE COMMISSIONER SHALL PREPARE A DRAFT POLICY AND PROCEDURES MANUAL FOR

1 DIVISION STAFF. SUCH POLICY AND PROCEDURES MANUAL SHALL INCLUDE, BUT NOT
2 BE LIMITED TO, STRICT GUIDELINES ON MAINTAINING THE CONFIDENTIALITY OF
3 THE IDENTITY OF AND INFORMATION RELATING TO ALL APPLICANTS AND RECIPI-
4 ENTS, INSTRUCTIONAL MATERIALS RELATING TO THE MEDICAL AND PSYCHOLOGICAL
5 NEEDS OF PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV
6 ILLNESS OR WITH AIDS, APPLICATION PROCEDURES, ELIGIBILITY STANDARDS,
7 MANDATED TIME PERIODS FOR THE PROVISION OF EACH BENEFIT AND SERVICE
8 AVAILABLE TO APPLICANTS AND RECIPIENTS AND ADVOCACY RESOURCES AVAILABLE
9 TO PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR
10 WITH AIDS. SUCH LISTS OF ADVOCACY RESOURCES SHALL BE UPDATED SEMI-ANNU-
11 ALLY. WITHIN THIRTY DAYS FOLLOWING THE PREPARATION OF SUCH DRAFT POLICY
12 AND PROCEDURES MANUAL AND PRIOR TO THE PREPARATION OF A FINAL POLICY AND
13 PROCEDURES MANUAL, THE COMMISSIONER SHALL DISTRIBUTE SUCH DRAFT POLICY
14 AND PROCEDURES MANUAL TO ALL SOCIAL SERVICES AGENCIES AND ORGANIZATIONS
15 THAT CONTRACT WITH THE OFFICE TO PROVIDE HIV-RELATED SERVICES AND TO ALL
16 OTHERS WHOM THE COMMISSIONER DEEMS APPROPRIATE, AND HOLD NO FEWER THAN
17 ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED, AT
18 WHICH ADVOCATES, SERVICE PROVIDERS, PERSONS WHO HAVE TESTED POSITIVE FOR
19 HIV, AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO
20 COMMENT ON SUCH DRAFT POLICY AND PROCEDURES MANUAL. THE COMMISSIONER
21 SHALL PREPARE A FINAL POLICY AND PROCEDURES MANUAL WITHIN THIRTY DAYS
22 AFTER THE CONCLUSION OF SUCH HEARING AND SHALL THEREAFTER REVIEW AND
23 WHERE APPROPRIATE, REVISE SUCH POLICY AND PROCEDURES MANUAL ON AN ANNUAL
24 BASIS. THE COMMISSIONER SHALL PROVIDE FOR SEMI-ANNUAL TRAINING, USING
25 SUCH POLICY AND PROCEDURES MANUAL, FOR ALL DIVISION STAFF.

26 (H) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION,
27 THE COMMISSIONER SHALL PUBLISH A PROPOSED RULE ESTABLISHING A BILL OF
28 RIGHTS FOR PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV
29 ILLNESS OR WITH AIDS. SUCH DRAFT BILL OF RIGHTS SHALL INCLUDE, BUT NOT
30 BE LIMITED TO, AN EXPLANATION OF THE BENEFITS AND SERVICES FOR WHICH
31 PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH
32 AIDS MAY BE ELIGIBLE; TIMETABLES WITHIN WHICH SUCH BENEFITS AND SERVICES
33 SHALL BE PROVIDED TO ELIGIBLE PERSONS; AN EXPLANATION OF AN APPLICANT'S
34 AND RECIPIENT'S RIGHT TO EXAMINE HIS OR HER FILE AND THE PROCEDURE FOR
35 DISPUTING ANY INFORMATION CONTAINED THEREIN; AN EXPLANATION OF AN APPLI-
36 CANT'S AND RECIPIENT'S RIGHT TO A HOME OR HOSPITAL VISIT FOR THE PURPOSE
37 OF APPLYING FOR OR MAINTAINING BENEFITS OR SERVICES; AN EXPLANATION OF
38 THE PROCESS FOR REQUESTING A DIVISION CONFERENCE OR FAIR HEARING IN
39 ACCORDANCE WITH SECTION TWENTY-TWO OF THIS CHAPTER; AND A SUMMARY OF THE
40 RIGHTS AND REMEDIES FOR THE REDRESS OF DISCRIMINATION. WITHIN SIXTY
41 DAYS FOLLOWING THE PUBLICATION OF SUCH PROPOSED RULE, AND PRIOR TO THE
42 PUBLICATION OF A FINAL RULE, THE COMMISSIONER SHALL HOLD NO FEWER THAN
43 ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED AT WHICH
44 ADVOCATES, SERVICE PROVIDERS, PERSONS WHO HAVE TESTED POSITIVE FOR HIV,
45 AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO
46 COMMENT ON SUCH DRAFT BILL OF RIGHTS. THE COMMISSIONER SHALL PUBLISH A
47 FINAL RULE WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND
48 SHALL THEREAFTER REVIEW, AND WHERE APPROPRIATE, REVISE SUCH BILL OF
49 RIGHTS ON AN ANNUAL BASIS. SUCH BILL OF RIGHTS SHALL BE CONSPICUOUSLY
50 POSTED IN ALL DIVISION OFFICES THAT ARE OPEN TO THE PUBLIC AND SHALL BE
51 AVAILABLE FOR DISTRIBUTION TO THE PUBLIC IN ENGLISH, SPANISH AND ANY
52 OTHER LANGUAGES THAT THE COMMISSIONER DEEMS APPROPRIATE.

53 (I) NOT LATER THAN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS
54 SECTION, THE COMMISSIONER SHALL ESTABLISH A POLICY OR PROCEDURE FOR
55 OVERSEEING AND MONITORING THE DELIVERY OF SERVICES REQUIRED PURSUANT TO
56 THIS SECTION TO PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV

1 ILLNESS OR WITH AIDS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, QUALITY
2 ASSURANCE MEASUREMENTS. THE COMMISSIONER SHALL SUBMIT SUCH POLICY OR
3 PROCEDURE TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY AND THE TEMPORARY
4 PRESIDENT OF THE SENATE IN WRITING WITHIN TEN DAYS FROM THE DATE SUCH
5 POLICY OR PROCEDURE IS ESTABLISHED.

6 (J) BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND FIFTEEN, AND ON THE
7 FIRST DAY OF EACH CALENDAR QUARTER THEREAFTER, THE COMMISSIONER SHALL
8 SUBMIT A WRITTEN REPORT TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, MINOR-
9 ITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND
10 THE MINORITY LEADER OF THE SENATE, PROVIDING THE FOLLOWING INFORMATION
11 DISAGGREGATED ON BOTH A QUARTERLY AND ANNUALIZED BASIS: THE NUMBER OF
12 PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH
13 AIDS WHO REQUESTED THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B)
14 OF THIS SUBDIVISION AND ANY OTHER BENEFITS PROVIDED BY THE COMMISSIONER,
15 DISAGGREGATED BY THE FIELD OFFICE AND BY THE TYPE OF BENEFIT OR SERVICE
16 REQUESTED, AND THE AVERAGE LENGTH OF TIME REQUIRED TO PROCESS SUCH
17 REQUESTS, DISAGGREGATED BY THE FIELD OFFICE AND BY THE TYPE OF BENEFIT
18 OR SERVICE REQUESTED; THE NUMBER OF PERSONS INFECTED WITH HIV, WITH
19 CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS WHO REQUESTED BENEFITS AND
20 SERVICES AND WERE DETERMINED TO BE INELIGIBLE FOR SUCH BENEFITS AND
21 SERVICES, DISAGGREGATED BY THE FIELD OFFICE, BY THE TYPE OF BENEFIT OR
22 SERVICE REQUESTED, AND BY THE REASON FOR SUCH DETERMINATIONS; THE NUMBER
23 OF DEPARTMENT STAFF, BY JOB TITLE, WHOSE DUTIES INCLUDE PROVIDING BENE-
24 FITS AND SERVICES OR ACCESS TO BENEFITS AND SERVICES PURSUANT TO THIS
25 SECTION, THE NUMBER OF RECIPIENTS, THE NUMBER OF CASES AND THE NUMBER OF
26 REQUESTS FOR ASSISTANCE, DISAGGREGATED BY THE FIELD OFFICE; THE AVERAGE
27 LENGTH OF TIME FROM THE INITIAL REQUEST FOR BENEFITS AND SERVICES TO
28 SUBMISSION OF A COMPLETE APPLICATION FOR SUCH BENEFITS AND SERVICES, THE
29 AVERAGE LENGTH OF TIME FROM SUBMISSION OF SUCH COMPLETE APPLICATION TO
30 GRANT OR DENIAL OF THE BENEFITS AND SERVICES REQUESTED, AND THE AVERAGE
31 LENGTH OF TIME FROM THE GRANT OF SUCH BENEFITS AND SERVICES TO THE
32 PROVISION OF SUCH BENEFITS AND SERVICES, DISAGGREGATED BY THE FIELD
33 OFFICE AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED; THE AVERAGE
34 LENGTH OF TIME FROM THE INITIAL REQUEST FOR AN EXCEPTION TO POLICY TO
35 APPROVE ENHANCED RENTAL ASSISTANCE TO THE APPROVAL OR DISAPPROVAL OF
36 SUCH EXCEPTION AND THE AVERAGE LENGTH OF TIME FROM THE APPROVAL OF SUCH
37 EXCEPTION TO THE ISSUANCE OF SUCH ENHANCED RENTAL ASSISTANCE, DISAGGRE-
38 GATED BY THE FIELD OFFICE; THE NUMBER OF REQUESTS FOR EMERGENCY HOUSING
39 ASSISTANCE, THE NUMBER OF PERSONS REFERRED TO THE EMERGENCY ASSISTANCE
40 UNIT OF THE DEPARTMENT OF HOMELESS SERVICES, THE NUMBER OF PERSONS
41 REFERRED TO COMMERCIAL SINGLE ROOM OCCUPANCY HOTELS AND THE AVERAGE
42 LENGTH OF STAY, AND THE NUMBER OF PERSONS REFERRED TO PERMANENT HOUSING;
43 THE NUMBER OF PERSONS REQUESTING SUPPORTIVE HOUSING PLACEMENTS, THE
44 NUMBER OF PERSONS REFERRED TO SUCH SUPPORTIVE HOUSING AND THE AVERAGE
45 LENGTH OF TIME FROM REQUEST TO PLACEMENT; THE NUMBER OF CASES CLOSED,
46 DISAGGREGATED BY FIELD OFFICE AND BY THE REASONS FOR SUCH CLOSURE, THE
47 NUMBER OF SUCH CLOSED CASES THAT WERE RE-OPENED AND THE AVERAGE LENGTH
48 OF TIME REQUIRED TO RE-OPEN SUCH CLOSED CASES; THE NUMBER OF ADMINISTRA-
49 TIVE FAIR HEARINGS REQUESTED, THE NUMBER OF FAIR HEARING DECISIONS IN
50 FAVOR OF APPLICANTS AND RECIPIENTS AND THE AVERAGE LENGTH OF TIME FOR
51 COMPLIANCE WITH SUCH A FAIR HEARING DECISION; AND THE NUMBER OF
52 PROCEEDINGS INITIATED PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL
53 PRACTICE LAW AND RULES CHALLENGING FAIR HEARING DECISIONS, AND THE
54 NUMBER OF ARTICLE SEVENTY-EIGHT DECISIONS RENDERED IN FAVOR OF APPLI-
55 CANTS OR RECIPIENTS. FOR THE PURPOSES OF THIS SUBDIVISION, "FIELD
56 OFFICE" SHALL MEAN ANY OFFICE OF THE DEPARTMENT AT WHICH PERSONS

1 INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR WITH AIDS
2 MAY ACCESS BENEFITS AND SERVICES.

3 (K) THERE SHALL BE AN ADVISORY BOARD TO ADVISE THE COMMISSIONER ON THE
4 PROVISION OF BENEFITS AND SERVICES AND ACCESS TO BENEFITS AND SERVICES
5 TO PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV ILLNESS OR
6 WITH AIDS AS REQUIRED BY THIS SECTION. THIS ADVISORY BOARD SHALL CONSIST
7 OF ELEVEN MEMBERS TO BE APPOINTED FOR TWO YEAR TERMS AS FOLLOWS: FIVE
8 MEMBERS, AT LEAST THREE OF WHOM SHALL BE ELIGIBLE FOR BENEFITS AND
9 SERVICES PURSUANT TO THIS SECTION, TWO OF WHOM SHALL BE APPOINTED BY THE
10 SPEAKER OF THE ASSEMBLY, AND ONE OF WHOM SHALL BE APPOINTED BY THE
11 MINORITY LEADER OF THE ASSEMBLY AND SIX MEMBERS, INCLUDING THE CHAIR-
12 PERSON OF THE ADVISORY BOARD, AT LEAST THREE OF WHOM SHALL BE ELIGIBLE
13 FOR BENEFITS AND SERVICES PURSUANT TO THIS SECTION, TWO OF WHOM SHALL BE
14 APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE OF WHOM SHALL
15 BE APPOINTED BY THE MINORITY LEADER OF THE SENATE. THE ADVISORY BOARD
16 SHALL MEET AT LEAST QUARTERLY AND MEMBERS SHALL SERVE WITHOUT COMPEN-
17 SATION. SUCH ADVISORY BOARD MAY FORMULATE AND RECOMMEND TO THE COMMIS-
18 SIONER A POLICY OR PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY
19 OF SERVICES TO PERSONS INFECTED WITH HIV, WITH CLINICAL/SYMPTOMATIC HIV
20 ILLNESS OR WITH AIDS WHICH MAY INCLUDE QUALITY ASSURANCE MEASUREMENTS.
21 SUCH ADVISORY BOARD SHALL SUBMIT SUCH RECOMMENDED POLICY OR PROCEDURE TO
22 THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE
23 UPON SUBMISSION TO THE COMMISSIONER.

24 S 2. This act shall take effect immediately.