

3907

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 28, 2015

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Introduced by M. of A. TENNEY, FINCH -- read once and referred to the  
Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to creating a veterans'  
clearinghouse for purposes of identifying veterans eligible for bene-  
fits

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

1     Section 1. The executive law is amended by adding a new section 355-a  
2     to read as follows:  
3     S 355-A. VETERANS' CLEARINGHOUSE. 1. THE DIVISION IS HEREBY DIRECTED  
4     TO CREATE AND MAINTAIN A CENTRALIZED DATABASE, TO BE KNOWN AS THE VETER-  
5     ANS' CLEARINGHOUSE, WHICH SHALL COLLECT INFORMATION RELATING TO THE  
6     IDENTIFICATION OF VETERANS RESIDING IN THE STATE AND THE STATE OR FEDER-  
7     AL BENEFITS RECEIVED OR AVAILABLE TO VETERANS SO IDENTIFIED.  
8     2. THE DIVISION OF VETERANS' AFFAIRS SHALL ENTER INTO A MEMORANDUM OF  
9     UNDERSTANDING WITH THE UNITED STATES DEPARTMENT OF VETERANS' AFFAIRS  
10    THAT ALLOWS FOR THE SHARING OF INFORMATION RELATING TO THE IDENTIFICA-  
11    TION OF VETERANS RESIDING IN THE STATE WHO ARE RECEIVING OR ELIGIBLE FOR  
12    FEDERAL VETERANS' BENEFITS.  
13    3. ALL DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGEN-  
14    CIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH PROVIDE  
15    ASSISTANCE OR OTHER BENEFITS TO INDIVIDUALS, WHEN THE PROVISION OF SUCH  
16    ASSISTANCE OR BENEFITS IS RELATED TO THE RECIPIENT'S VETERAN STATUS OR  
17    MILITARY EXPERIENCES, SHALL REQUEST THAT SUCH ASSISTED PERSONS PROVIDE  
18    INFORMATION WITH REGARD TO THEIR VETERAN STATUS AND MILITARY EXPERIENCES  
19    AND SHALL REPORT SUCH INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS  
20    FOR INCLUSION IN THE VETERANS' CLEARINGHOUSE. SUCH INFORMATION SHARING  
21    SHALL BE FOR THE PURPOSES OF ALLOWING THE DIVISION OF VETERANS' AFFAIRS  
22    TO (A) EXAMINE WHETHER ANY SUCH VETERANS ARE ELIGIBLE FOR FEDERAL OR  
23    STATE BENEFITS, AND (B) FORMULATE POLICIES THAT ASSIST SUCH VETERANS IN  
24    OBTAINING SUCH BENEFITS. INDIVIDUALS IDENTIFYING THEMSELVES AS VETERANS

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

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1 SHALL BE ADVISED THAT THE DIVISION OF VETERANS' AFFAIRS AND LOCAL VETER-  
2 ANS' SERVICE AGENCIES ESTABLISHED PURSUANT TO SECTION THREE HUNDRED  
3 FIFTY-SEVEN OF THIS ARTICLE PROVIDE ASSISTANCE TO VETERANS REGARDING  
4 BENEFITS UNDER FEDERAL AND STATE LAW.

5 4. THE DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGEN-  
6 CIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH ARE REQUIRED  
7 TO REPORT INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS FOR INCLUSION  
8 IN THE VETERANS' CLEARINGHOUSE PURSUANT TO SUBDIVISION THREE OF THIS  
9 SECTION, SHALL SUBMIT SUCH A REPORT ON A QUARTERLY BASIS IN A FORM AND  
10 MANNER TO BE DETERMINED BY THE DIRECTOR OF VETERANS' AFFAIRS.

11 5. THE DEPARTMENTS, DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGEN-  
12 CIES OF THE STATE AND POLITICAL SUBDIVISIONS THEREOF, WHICH ARE REQUIRED  
13 TO REPORT INFORMATION TO THE DIVISION OF VETERANS' AFFAIRS FOR INCLUSION  
14 IN THE VETERANS' CLEARINGHOUSE PURSUANT TO SUBDIVISION THREE OF THIS  
15 SECTION, SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THOSE DEPARTMENTS,  
16 DIVISIONS, BUREAUS, BOARDS, COMMISSIONS AND AGENCIES OF THE STATE AND  
17 POLITICAL SUBDIVISIONS THEREOF, WHICH ARE SUBJECT TO THE REQUIREMENTS OF  
18 SECTION THREE HUNDRED FIFTY-FOUR-A OF THIS ARTICLE, AND:

19 (A) THE DIVISION OF MILITARY AND NAVAL AFFAIRS;

20 (B) LOCAL ASSESSOR UNITS, WHICH SHALL BE REQUIRED TO REPORT INFORMA-  
21 TION REGARDING OWNERS OF REAL PROPERTY WHO ARE RECIPIENTS OF THE REAL  
22 PROPERTY TAX EXEMPTION PROVIDED BY SECTION FOUR HUNDRED FIFTY-EIGHT OR  
23 FOUR HUNDRED FIFTY-EIGHT-A OF THE REAL PROPERTY TAX LAW;

24 (C) THE HIGHER EDUCATION SERVICES CORPORATION, WHICH SHALL BE REQUIRED  
25 TO REPORT INFORMATION REGARDING THE IDENTITY OF ANY RECIPIENTS OF THE  
26 VETERANS' TUITION AWARD PROVIDED BY SECTION SIX HUNDRED SIXTY-NINE-A OF  
27 THE EDUCATION LAW;

28 (D) THE BOARD OF VISITORS OF EACH STATE VETERANS' HOME, WHICH SHALL BE  
29 REQUIRED TO REPORT INFORMATION REGARDING THE IDENTITY OF RESIDENTS OF  
30 EACH HOME ADMITTED PURSUANT TO SECTION TWENTY-SIX HUNDRED THIRTY-TWO OF  
31 THE PUBLIC HEALTH LAW; AND

32 (E) COUNTY AND CITY VETERANS' SERVICE AGENCIES.

33 6. INFORMATION REGARDING VETERANS' STATUS AND MILITARY SERVICE  
34 PROVIDED BY ASSISTED PERSONS SOLELY TO IMPLEMENT THIS SECTION SHALL BE  
35 PROTECTED AS PERSONAL CONFIDENTIAL INFORMATION UNDER ARTICLE SIX-A OF  
36 THE PUBLIC OFFICERS LAW AGAINST DISCLOSURE OF CONFIDENTIAL MATERIAL, AND  
37 USED ONLY TO ASSIST IN THE DIAGNOSIS, TREATMENT, ASSESSMENT AND HANDLING  
38 OF THE VETERAN'S PROBLEMS WITHIN THE AGENCY REQUESTING SUCH INFORMATION  
39 AND IN REFERRING THE VETERAN TO THE DIVISION OF VETERANS' AFFAIRS FOR  
40 INFORMATION AND ASSISTANCE WITH REGARD TO BENEFITS AND ENTITLEMENTS  
41 UNDER FEDERAL AND STATE LAW.

42 7. THE DIVISION OF VETERANS' AFFAIRS SHALL COLLECT AND MAINTAIN INFOR-  
43 MATION CONCERNING SUCH VETERANS IN ACCORDANCE WITH LAW AND THE FEDERAL  
44 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 (P.L.  
45 104-191) (HIPAA), AS AMENDED FROM TIME TO TIME, OR REGULATIONS ADOPTED  
46 THEREUNDER.

47 8. THE DIRECTOR OF VETERANS' AFFAIRS SHALL PROMULGATE RULES AND REGU-  
48 LATIONS TO PROVIDE FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS  
49 SECTION.

50 S 2. Section 354-a of the executive law, as amended by section 95 of  
51 subpart B of part C of chapter 62 of the laws of 2011, is amended to  
52 read as follows:

53 S 354-a. Information on status of veterans receiving assistance.  
54 Departments, divisions, bureaus, boards, commissions and agencies of the  
55 state and political subdivisions thereof, which provide assistance,  
56 treatment, counseling, care, supervision or custody in service areas

1 involving health, mental health, family services, criminal justice or  
2 employment, including but not limited to the office of alcoholism and  
3 substance abuse services, office of mental health, office of probation  
4 and correctional alternatives, office of children and family services,  
5 office of temporary and disability assistance, department of health,  
6 department of labor, local workforce investment boards, office for  
7 people with developmental disabilities, and department of corrections  
8 and community supervision, shall request assisted persons to provide  
9 information with regard to their veteran status and military experi-  
10 ences. Individuals identifying themselves as veterans shall be advised  
11 that the division of veterans' affairs and local veterans' service agen-  
12 cies established pursuant to section three hundred fifty-seven of this  
13 article provide assistance to veterans regarding benefits under federal  
14 and state law. Information regarding veterans status and military  
15 service provided by assisted persons solely to implement this section  
16 shall be protected as personal confidential information under article  
17 six-A of the public officers law against disclosure of confidential  
18 material, and used only to assist in the diagnosis, treatment, assess-  
19 ment and handling of the veteran's problems within the agency requesting  
20 such information and in referring the veteran to the division of veter-  
21 ans' affairs for information and assistance with regard to benefits and  
22 entitlements under federal and state law. INFORMATION PROVIDED TO THE  
23 DIVISION OF VETERANS' AFFAIRS PURSUANT TO THIS SECTION SHALL BE INCLUDED  
24 IN THE VETERANS' CLEARINGHOUSE ESTABLISHED PURSUANT TO SECTION THREE  
25 HUNDRED FIFTY-FIVE-A OF THIS ARTICLE.

26 S 3. This act shall take effect on the ninetieth day after it shall  
27 have become a law; provided, however, that effective immediately, the  
28 addition, amendment and/or repeal of any rule or regulation necessary  
29 for the implementation of this act on its effective date are authorized  
30 and directed to be made and completed on or before such effective date.