

7792

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 27, 2015

---

Introduced by M. of A. HEVESI -- read once and referred to the Committee  
on Social Services

AN ACT to amend part I of chapter 58 of the laws of 2014, relating to  
reducing state aid for administrative costs of certain fair hearings  
in local social services districts, in relation to minimizing any  
existence of backlog of fair hearings in certain social services  
districts

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

1     Section 1. Section 1 of part I of chapter 58 of the laws of 2014,  
2 relating to reducing state aid for administrative costs of certain fair  
3 hearings in local social services districts, is amended to read as  
4 follows:  
5     Section 1. ANY SOCIAL SERVICES DISTRICT WITH A POPULATION OF MORE  
6 THAN FIVE MILLION SHALL SUBMIT TO THE OFFICE OF TEMPORARY AND DISABILITY  
7 ASSISTANCE ON A QUARTERLY BASIS NO LATER THAN FIFTEEN DAYS AFTER THE END  
8 OF ANY QUARTER BEGINNING WITH THE QUARTER COMMENCING APRIL 1, 2015 A  
9 WRITTEN PLAN OUTLINING THE EFFORTS OF SUCH DISTRICT TO MINIMIZE ANY  
10 EXISTING BACKLOG OF FAIR HEARINGS TO BE SCHEDULED SUCH THAT HEARINGS MAY  
11 BE CONDUCTED WITHIN A REASONABLE TIME. THE OFFICE OF TEMPORARY AND DISA-  
12 BILITY ASSISTANCE SHALL PROVIDE ASSISTANCE TO SUCH DISTRICT TO SUPPORT  
13 THE IMPLEMENTATION OF SUCH PLANS. IN THE EVENT THAT SUCH PLANS ARE NOT  
14 TIMELY SUBMITTED, OR ANY EXISTING BACKLOG GROWS OVER FOUR OR MORE  
15 CONSECUTIVE QUARTERS BEGINNING WITH THE QUARTER COMMENCING APRIL 1,  
16 2015, THE FOLLOWING PROVISIONS SHALL APPLY: Notwithstanding any incon-  
17 sistent provision of law, beginning April 1, 2014, for any local social  
18 services district with greater than forty percent of the statewide total  
19 of fair hearings issues heard in a given state fiscal year quarter, the  
20 office of temporary and disability assistance shall calculate the number  
21 of issues reversed plus the number of local district issues withdrawn  
22 after scheduling of the hearing, BUT NOT INCLUDING ISSUES IN WHICH THE

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

LBD11102-01-5

1 LOCAL DISTRICT HAS TAKEN ACTIONS TO SETTLE THE ISSUES AFTER SCHEDULING  
2 OF THE HEARING, as a percentage of total issues heard for such district.  
3 ISSUES SETTLED BY THE LOCAL DISTRICT AFTER SCHEDULING BUT BEFORE BEING  
4 HEARD AT THE HEARING WILL BE CODED AS SETTLED RATHER THAN WITHDRAWN.  
5 ISSUES REVERSED BECAUSE THE HEARING OFFICER DETERMINED THAT A STATE  
6 NOTICE WAS DEFECTIVE SHALL NOT BE COUNTED AGAINST A LOCAL DISTRICT AND,  
7 THEREFORE, SHALL NOT BE INCLUDED IN THE CALCULATION. If the calculated  
8 percentage is greater than fifty percent in the given state fiscal year  
9 quarter, state reimbursement otherwise payable to such local social  
10 services district shall be reduced by [seventy percent] A PERCENTAGE IN  
11 PROPORTION TO THE PERCENTAGE OVER FIFTY PERCENT of the non-federal share  
12 of total administrative costs of fair hearings operations attributable  
13 to such district for the given quarter, as determined by the office of  
14 temporary and disability assistance and approved by the director of the  
15 budget. Such reduction in reimbursement shall credit the office of  
16 temporary and disability assistance personal service and nonpersonal  
17 service expenditures for the administrative hearings program.

18 S 2. This act shall take effect immediately; provided, however, that  
19 the amendments to section 1 of part I of chapter 58 of the laws of 2014,  
20 relating to reducing state aid for administrative costs of certain fair  
21 hearings in local social services districts, made by section one of this  
22 act shall not affect the expiration of such part and shall be deemed to  
23 expire therewith.