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

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2015-2016 Regular Sessions

I N S E N A T E

February 13, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

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:

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

S 2. The commissioner of the office for people with developmental disabilities, in collaboration with the developmental disabilities advisory council established pursuant to section 13.05 of the mental hygiene law, shall develop a plan for implementing the front door process. Such commissioner shall submit the plan to the temporary president of the senate and the speaker of the assembly no later than January 1, 2016 and implement guidelines putting the plan into effect no later than April 1, 2016. The plan shall consist of proposals to address the following:

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

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(a) The critical needs of people with developmental disabilities living at home with persons whose ability to act as caregiver has been diminished by age, disability or any other relevant factors and develop clear and transparent guidelines for when in-home placement is appropriate and when out-of-home placement is appropriate. Such guidelines shall address what services are necessary to enable the family to continue to provide care for the person at their home and in accordance with procedures established by the office, when continued care by the family may adversely affect the health, safety or welfare of the person with developmental disabilities and/or his or her family and require an independent community setting.

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

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

(d) Provide guidelines for a clear, expeditious and transparent process for allocating residential placements and other critical services to persons based on their individual needs. Such process shall be consistent across the state and where exceptions are made such exceptions shall be made in explicit recognition of clear and rational factors. Such guidelines shall:

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.