

4364

2015-2016 Regular Sessions

I N S E N A T E

March 17, 2015

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

AN ACT to amend the executive law, in relation to establishing an office of the independent public advocate and making an appropriation therefor

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

1 Section 1. The executive law is amended by adding a new article 4-B to
2 read as follows:

3 ARTICLE 4-B

4 OFFICE OF THE INDEPENDENT PUBLIC ADVOCATE

5 SECTION 56. ESTABLISHMENT AND ORGANIZATION.

6 57. DUTIES AND RESPONSIBILITIES.

7 S 56. ESTABLISHMENT AND ORGANIZATION. 1. THERE IS HEREBY ESTABLISHED
8 THE OFFICE OF THE INDEPENDENT PUBLIC ADVOCATE. THE INDEPENDENT PUBLIC
9 ADVOCATE SHALL BE APPOINTED BY A SPECIAL COMMITTEE ESTABLISHED FOR THIS
10 PURPOSE. SUCH OFFICE SHALL BE INDEPENDENT OF THE DEPARTMENT OF HEALTH
11 AND OF ANY OTHER OFFICE, AGENCY, BOARD OR COMMISSION OF THE STATE OR ANY
12 OF ITS POLITICAL SUBDIVISIONS.

13 2. A. THE SPECIAL COMMITTEE SHALL CONSIST OF ELEVEN MEMBERS:

14 (I) THREE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR;

15 (II) THREE MEMBERS SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF
16 THE SENATE;

17 (III) THREE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY;

18 (IV) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
19 ASSEMBLY; AND

20 (V) ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE
21 SENATE.

22 B. MEMBERS OF THE COMMITTEE SHALL POSSESS EXTENSIVE KNOWLEDGE AND
23 EXPERIENCE IN HEALTH POLICY AND FINANCE. THE MEMBERS OF THE SPECIAL
24 COMMITTEE SHALL NOT BE PAID A SALARY OR STIPEND.

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

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1 3. THE SPECIAL COMMITTEE, PURSUANT TO A PUBLICLY-INCLUSIVE SCREENING
2 AND INTERVIEW PROCESS, SHALL APPOINT THE INDEPENDENT PUBLIC ADVOCATE.
3 THE INDEPENDENT PUBLIC ADVOCATE SHALL NOT BE PAID A SALARY OR STIPEND.
4 THE INDEPENDENT PUBLIC ADVOCATE SHALL BE APPOINTED WITHOUT REGARD TO
5 POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE
6 DUTIES OF THE OFFICE, AND SHALL SERVE A FOUR YEAR TERM. THE INDEPENDENT
7 PUBLIC ADVOCATE MAY BE REMOVED ONLY FOR CAUSE. IN THE EVENT OF A VACAN-
8 CY, THE INDIVIDUAL APPOINTED TO FILL THE VACANCY SHALL BE APPOINTED
9 PURSUANT TO THIS SECTION, AND SERVE ONLY FOR THE UNEXPIRED PORTION OF
10 THE TERM. THE INDEPENDENT PUBLIC ADVOCATE MAY EMPLOY AND AT THEIR PLEAS-
11 URE REMOVE SUCH PERSONNEL AS THEY DEEM NECESSARY FOR THE PERFORMANCE OF
12 THE OFFICE, AND MAY FIX THEIR COMPENSATION WITH AMOUNTS AVAILABLE THERE-
13 FOR.

14 4. THE SPECIAL COMMITTEE SHALL BE DISSOLVED AFTER THE APPOINTMENT OF
15 THE INDEPENDENT PUBLIC ADVOCATE. IN THE EVENT OF A VACANCY, A NEW
16 SPECIAL COMMITTEE SHALL BE APPOINTED PURSUANT TO SUBDIVISION TWO OF THIS
17 SECTION.

18 S 57. DUTIES AND RESPONSIBILITIES. 1. THE INDEPENDENT PUBLIC ADVOCATE
19 SHALL MONITOR THE DELIVERY SYSTEM REFORM INCENTIVE PAYMENT (DSRIP)
20 PROGRAM AND PROVIDE THE LEGISLATURE AND THE PUBLIC WITH INFORMATION
21 REGARDING THE IMPLEMENTATION OF THE DSRIP PROGRAM INCLUDING THE DISTRIB-
22 UTION OF FUNDS SUCH AS DSRIP PLANNING GRANTS, DSRIP PROVIDER INCENTIVE
23 PAYMENTS, AND DSRIP ADMINISTRATIVE COSTS. THE INDEPENDENT PUBLIC ADVO-
24 CATE SHALL ALSO ISSUE REGULAR REPORTS TO ENHANCE OFFICIAL AND PUBLIC
25 UNDERSTANDING OF THE DSRIP PROGRAM INCLUDING MATTERS RELATED TO EXPENDI-
26 TURES OR FINANCIAL MANAGEMENT PRACTICES.

27 2. THE INDEPENDENT PUBLIC ADVOCATE SHALL BE AUTHORIZED TO SECURE SUCH
28 INFORMATION, DATA, ESTIMATES AND STATISTICS FROM ALL AGENCIES AND PUBLIC
29 ENTITIES INVOLVED IN THE IMPLEMENTATION AND DISTRIBUTION OF FUNDS FOR
30 THE DSRIP PROGRAM. SUCH AGENCIES AND ENTITIES SHALL PROVIDE SUCH INFOR-
31 MATION, TO THE EXTENT THAT IT IS AVAILABLE, IN A TIMELY FASHION.

32 3. THE INDEPENDENT PUBLIC ADVOCATE SHALL MAKE ALL INFORMATION, DATA,
33 ESTIMATES, AND STATISTICS OBTAINED UNDER THIS SECTION, AND ALL REPORTS
34 PREPARED BY THE OFFICE, AVAILABLE FOR PUBLIC INSPECTION.

35 S 2. The sum of one hundred thousand dollars (\$100,000), or so much
36 thereof as may be necessary, is hereby appropriated to the office of the
37 independent public advocate out of any moneys in the state treasury in
38 the general fund to the credit of the state purposes account, not other-
39 wise appropriated, and made immediately available, for the purpose of
40 carrying out the provisions of this act. Such moneys shall be payable on
41 the audit and warrant of the comptroller on vouchers certified or
42 approved by the comptroller in the manner prescribed by law.

43 S 3. This act shall take effect on the ninetieth day after it shall
44 have become a law.