

5515

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed 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 ASSEMBLY, 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21 of issues reversed plus the number of local district issues withdrawn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.

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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.