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

5534--B

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services -- recommitted to the Committee on Social Services in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to establishing access to benefits and services for people with HIV in each local department of social services

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

Section 1. The social services law is amended by adding a new section 138 to read as follows:

S 138. ACCESS TO HIV SERVICES. 1. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL DIRECT EACH LOCAL DEPARTMENT OF SOCIAL SERVICES (LDSS) TO ESTABLISH AND MAINTAIN ACCESS TO BENEFITS AND SERVICES AS DEFINED IN SUBDIVISION THREE OF THIS SECTION TO EVERY PERSON WITH HIV INFECTION WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO EACH ELIGIBLE PERSON INFECTED WITH HIV.

2. THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL DIRECT EACH LDSS TO PROVIDE TO PERSONS WITH HIV INFECTION WHO SATISFY THE ELIGIBILITY REQUIREMENTS FOR MEDICAID AS SET FORTH IN U.S.C. 1396 ET SEQ.:

(A) INTENSIVE CASE MANAGEMENT WITH AN AVERAGE RATIO WHICH SHALL NOT EXCEED ONE CASEWORKER OR SUPERVISOR TO TWENTY-FIVE FAMILY CASES, AND WITH AN OVERALL AVERAGE RATIO FOR ALL CASES WHICH SHALL NOT EXCEED ONE CASEWORKER OR SUPERVISOR TO THIRTY-FOUR CASES; AND

(B) TRANSPORTATION AND NUTRITION ALLOWANCES IN AN AMOUNT NOT LESS THAN ONE HUNDRED NINETY-THREE DOLLARS PER MONTH.

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

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3. (A) WHENEVER USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(1) "ACCESS TO BENEFITS AND SERVICES" SHALL MEAN THE PROVISION OF ASSISTANCE BY STAFF OF THE LDSS TO A PERSON WITH HIV INFECTION AT A SINGLE LOCATION IN ORDER TO APPLY FOR PUBLICLY SUBSIDIZED BENEFITS AND SERVICES, TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY INCLUDING, BUT NOT LIMITED TO, ASSISTANCE PROVIDED AT A FIELD OFFICE OF THE LDSS, AT THE HOME OF THE APPLICANT OR RECIPIENT, AT A HOSPITAL WHERE SUCH APPLICANT OR RECIPIENT IS A PATIENT OR AT ANOTHER LOCATION IN ASSEMBLING SUCH DOCUMENTATION AS MAY BE NECESSARY TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY AND TO MAINTAIN SUCH ELIGIBILITY;

(2) "ELIGIBLE PERSON" SHALL MEAN A PERSON WHO SATISFIES THE ELIGIBILITY REQUIREMENTS ESTABLISHED PURSUANT TO APPLICABLE LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION FOR THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION OR FOR ANY OTHER BENEFITS AND SERVICES DEEMED APPROPRIATE BY THE COMMISSIONER;

(3) "MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING" SHALL MEAN HOUSING WHICH IS SUITABLE FOR PERSONS WITH HIV INFECTION, AND IF NECESSARY, ACCESSIBLE TO PERSONS WITH DISABILITIES. SUCH HOUSING SHALL INCLUDE, BUT NOT BE LIMITED TO, INDIVIDUAL REFRIGERATED FOOD AND MEDICINE STORAGE AND ADEQUATE BATHROOM FACILITIES WHICH SHALL, AT A MINIMUM, PROVIDE AN EFFECTIVE LOCKING MECHANISM AND ANY OTHER SUCH MEASURES AS ARE NECESSARY TO ENSURE PRIVACY;

(4) "PERSON WITH HIV INFECTION" SHALL MEAN A PERSON WHO HAS RECEIVED A MEDICAL DETERMINATION THAT HE OR SHE IS INFECTED WITH HIV; AND

(5) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.

(B) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PROVIDE, OR THE COMMISSIONER SHALL DIRECT LDSSS TO PROVIDE ACCESS TO BENEFITS AND SERVICES TO EVERY ELIGIBLE PERSON WITH HIV INFECTION WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO ELIGIBLE PERSONS WITH HIV INFECTION. ANY ELIGIBLE PERSON SHALL RECEIVE ONLY THOSE BENEFITS AND SERVICES FOR WHICH SUCH PERSON QUALIFIES IN ACCORDANCE WITH THE APPLICABLE ELIGIBILITY STANDARDS ESTABLISHED PURSUANT TO LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. SUCH BENEFITS AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO: MEDICALLY APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING; MEDICAID, AS SET FORTH IN 42 U.S.C. 1396 ET SEQ. AND OTHER HEALTH-RELATED SERVICES; LONG TERM CARE SERVICES PROVIDED BY A CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME HEALTH CARE PROGRAM OR AIDS HOME CARE PROGRAM AUTHORIZED PURSUANT TO ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW; PERSONAL CARE SERVICES PURSUANT TO THIS ARTICLE; HOMEMAKER SERVICES AS DEFINED IN SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THE PUBLIC HEALTH LAW; SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS IN ACCORDANCE WITH SECTION NINETY-FIVE OF THIS CHAPTER; TRANSPORTATION AND NUTRITION ALLOWANCES AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION; PREVENTATIVE SERVICES, INCLUDING RENT SUBSIDIES, IN ACCORDANCE WITH SECTION FOUR HUNDRED NINE-A OF THIS CHAPTER; FINANCIAL BENEFITS; AND INTENSIVE CASE MANAGEMENT AS REQUIRED BY SUBDIVISION TWO OF THIS SECTION. THE COMMISSIONER SHALL HAVE THE AUTHORITY TO DIRECT EACH LDSS TO PROVIDE ACCESS TO ADDITIONAL BENEFITS AND SERVICES AND ENSURE THE PROVISION OF SUCH ADDITIONAL BENEFITS AND SERVICES WHENEVER DEEMED APPROPRIATE. THE REQUIREMENTS WITH RESPECT TO SUCH ACCESS TO AND ELIGIBILITY FOR BENEFITS AND SERVICES SHALL NOT BE MORE RESTRICTIVE THAN THOSE REQUIREMENTS MANDATED BY STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH CRITERIA PURSUANT

TO WHICH AN APPLICANT SHALL BE ENTITLED TO A HOME OR HOSPITAL VISIT FOR THE PURPOSE OF ESTABLISHING ELIGIBILITY AND APPLYING FOR BENEFITS AND SERVICES.

(C)(1) UPON WRITTEN OR ORAL APPLICATION OR SUBMISSION OF DOCUMENTS REQUIRED TO ESTABLISH ELIGIBILITY FOR BENEFITS AND SERVICES BY A PERSON WITH HIV INFECTION, SUCH PERSON SHALL IMMEDIATELY BE PROVIDED WITH A RECEIPT WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE, A DESCRIPTION OF THE INFORMATION RECEIVED, AND A STATEMENT AS TO WHETHER ANY APPLICATION FOR SUCH BENEFITS AND SERVICES IS COMPLETE OR INCOMPLETE, AND IF INCOMPLETE, SUCH RECEIPT SHALL IDENTIFY ANY INFORMATION OR DOCUMENTS NEEDED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE.

(2) WHERE NO STATUTE, LAW, RULE OR REGULATION PROVIDES A TIME PERIOD WITHIN WHICH A BENEFIT OR SERVICE SHALL BE PROVIDED TO AN ELIGIBLE PERSON WHO REQUESTS SUCH A BENEFIT OR SERVICE, SUCH BENEFIT OR SERVICE SHALL BE PROVIDED NO LATER THAN TWENTY BUSINESS DAYS FOLLOWING SUBMISSION OF ALL INFORMATION OR DOCUMENTATION REQUIRED TO DETERMINE ELIGIBILITY.

(D) WHERE A PERSON WITH HIV INFECTION WHO APPLIES FOR BENEFITS AND SERVICES, OR ACCESS TO BENEFITS AND SERVICES, INDICATES THAT ONE OR MORE MINOR CHILDREN RESIDE WITH HIM OR HER OR ARE IN HIS OR HER CARE OR CUSTODY, SUCH PERSON SHALL BE GIVEN INFORMATION AND PROGRAM REFERRALS ON CHILD CARE OPTIONS AND CUSTODY PLANNING, INCLUDING THE AVAILABILITY OF STANDBY GUARDIANSHIP PURSUANT TO SECTION SEVENTEEN HUNDRED TWENTY-SIX OF THE SURROGATE'S COURT PROCEDURE ACT AND REFERRAL TO LEGAL ASSISTANCE PROGRAMS.

(E) RECERTIFICATION OF ELIGIBILITY, AS REQUIRED BY ANY STATE OR FEDERAL LAW, STATUTE, RULE OR REGULATION SHALL BE CONDUCTED NO MORE FREQUENTLY THAN MANDATED BY SUCH STATUTE, LAW, RULE OR REGULATION.

(F) ELIGIBILITY FOR BENEFITS AND SERVICES FOR PERSONS WITH HIV INFECTION MAY NOT BE TERMINATED EXCEPT WHERE THE RECIPIENT IS DETERMINED TO NO LONGER SATISFY ELIGIBILITY REQUIREMENTS, IS DECEASED, OR UPON CERTIFICATION BY THE LDSS THAT THE RECIPIENT CANNOT BE LOCATED TO VERIFY HIS OR HER CONTINUED ELIGIBILITY FOR BENEFITS AND SERVICES. IN THE LATTER CIRCUMSTANCE, THE LDSS SHALL CONDUCT A REASONABLE GOOD FAITH SEARCH FOR AT LEAST A NINETY DAY PERIOD TO LOCATE THE RECIPIENT, INCLUDING SENDING WRITTEN NOTICE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE LAST KNOWN ADDRESS OF SUCH RECIPIENT, REQUIRING THE RECIPIENT TO CONTACT THE LDSS WITHIN TEN DAYS.

(G) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL DIRECT EACH LDSS TO PREPARE A DRAFT POLICY AND PROCEDURES MANUAL FOR LDSS STAFF. SUCH POLICY AND PROCEDURES MANUAL SHALL INCLUDE, BUT NOT BE LIMITED TO, STRICT GUIDELINES ON MAINTAINING THE CONFIDENTIALITY OF THE IDENTITY OF AND INFORMATION RELATING TO ALL APPLICANTS AND RECIPIENTS, INSTRUCTIONAL MATERIALS RELATING TO THE MEDICAL AND PSYCHOLOGICAL NEEDS OF PERSONS WITH HIV INFECTION, APPLICATION PROCEDURES, ELIGIBILITY STANDARDS, MANDATED TIME PERIODS FOR THE PROVISION OF EACH BENEFIT AND SERVICE AVAILABLE TO APPLICANTS AND RECIPIENTS AND ADVOCACY RESOURCES AVAILABLE TO PERSONS WITH HIV INFECTION. SUCH LISTS OF ADVOCACY RESOURCES SHALL BE UPDATED SEMI-ANNUALLY. WITHIN THIRTY DAYS FOLLOWING THE PREPARATION OF SUCH DRAFT POLICY AND PROCEDURES MANUAL AND PRIOR TO THE PREPARATION OF A FINAL POLICY AND PROCEDURES MANUAL, THE LDSS SHALL DISTRIBUTE SUCH DRAFT POLICY AND PROCEDURES MANUAL TO ALL SOCIAL SERVICES AGENCIES AND ORGANIZATIONS THAT CONTRACT WITH THE LDSS TO PROVIDE HIV-RELATED SERVICES AND TO ALL OTHERS WHOM THE LDSS DEEMS APPROPRIATE, AND HOLD NO FEWER THAN ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED, AT WHICH ADVOCATES, SERVICES

PROVIDERS, PERSONS WITH HIV INFECTION, AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO COMMENT ON SUCH DRAFT POLICY AND PROCEDURES MANUAL. EACH LDSS SHALL PREPARE A FINAL POLICY AND PROCEDURES MANUAL WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND SHALL THEREAFTER REVIEW AND WHERE APPROPRIATE, REVISE SUCH POLICY AND PROCEDURES MANUAL ON AN ANNUAL BASIS. EACH LDSS SHALL PROVIDE FOR SEMI-ANNUAL TRAINING, USING SUCH POLICY AND PROCEDURES MANUAL, FOR ALL DIVISION STAFF.

(H) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, EACH LDSS SHALL PUBLISH A PROPOSED RULE ESTABLISHING A BILL OF RIGHTS FOR PERSONS WITH HIV INFECTION. SUCH DRAFT BILL OF RIGHTS SHALL INCLUDE, BUT NOT BE LIMITED TO, AN EXPLANATION OF THE BENEFITS AND SERVICES FOR WHICH PERSONS WITH HIV INFECTION MAY BE ELIGIBLE; TIMETABLES WITHIN WHICH SUCH BENEFITS AND SERVICES SHALL BE PROVIDED TO ELIGIBLE PERSONS; AN EXPLANATION OF AN APPLICANT'S AND RECIPIENT'S RIGHT TO EXAMINE HIS OR HER FILE AND THE PROCEDURE FOR DISPUTING ANY INFORMATION CONTAINED THEREIN; AN EXPLANATION OF AN APPLICANT'S AND RECIPIENT'S RIGHT TO A HOME OR HOSPITAL VISIT FOR THE PURPOSE OF APPLYING FOR OR MAINTAINING BENEFITS OR SERVICES; AN EXPLANATION OF THE PROCESS FOR REQUESTING AN LDSS CONFERENCE OR FAIR HEARING IN ACCORDANCE WITH SECTION TWENTY-TWO OF THIS CHAPTER; AND A SUMMARY OF THE RIGHTS AND REMEDIES FOR THE REDRESS OF DISCRIMINATION. WITHIN SIXTY DAYS FOLLOWING THE PUBLICATION OF SUCH PROPOSED RULE, AND PRIOR TO THE PUBLICATION OF A FINAL RULE, EACH LDSS SHALL HOLD NO FEWER THAN ONE NOTICED PUBLIC HEARING AT A SITE ACCESSIBLE TO THE DISABLED AT WHICH ADVOCATES, SERVICE PROVIDERS, PERSONS WITH HIV INFECTION, AND ANY OTHER MEMBER OF THE PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO COMMENT ON SUCH DRAFT BILL OF RIGHTS. EACH LDSS SHALL PUBLISH A FINAL RULE WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND SHALL THEREAFTER REVIEW, AND WHERE APPROPRIATE, REVISE SUCH BILL OF RIGHTS ON AN ANNUAL BASIS. SUCH BILL OF RIGHTS SHALL BE CONSPICUOUSLY POSTED IN ALL LDSS OFFICES THAT ARE OPEN TO THE PUBLIC AND SHALL BE AVAILABLE FOR DISTRIBUTION TO THE PUBLIC IN ENGLISH, SPANISH AND ANY OTHER LANGUAGES THAT THE COMMISSIONER DEEMS APPROPRIATE.

(I) NOT LATER THAN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH A POLICY OR PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY OF SERVICES REQUIRED PURSUANT TO THIS SECTION TO PERSONS WITH HIV INFECTIONS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, QUALITY ASSURANCE MEASUREMENTS. THE COMMISSIONER SHALL SUBMIT SUCH POLICIES OR PROCEDURES TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE IN WRITING WITHIN TEN DAYS FROM THE DATE SUCH POLICIES OR PROCEDURES ARE ESTABLISHED.

(J) BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, AND ON THE FIRST DAY OF EACH CALENDAR QUARTER THEREAFTER, THE COMMISSIONER SHALL SUBMIT A WRITTEN REPORT TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, MINORITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE MINORITY LEADER OF THE SENATE, PROVIDING THE FOLLOWING INFORMATION DISAGGREGATED ON BOTH A QUARTERLY AND ANNUALIZED BASIS: THE NUMBER OF PERSONS WITH HIV INFECTION WHO REQUESTED THE BENEFITS AND SERVICES SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION AND ANY OTHER BENEFITS PROVIDED BY LDSS, DISAGGREGATED BY LDSS AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED, AND THE AVERAGE LENGTH OF TIME REQUIRED TO PROCESS SUCH REQUESTS, DISAGGREGATED BY LDSS, AND THE TYPE OF BENEFIT OR SERVICE REQUESTED; THE NUMBER OF PERSONS WITH HIV INFECTION WHO REQUESTED BENEFITS AND SERVICED AND WERE DETERMINED TO BE INELIGIBLE FOR SUCH BENEFITS AND SERVICES, DISAGGREGATED BY LDSS, BY THE TYPE OF BENEFIT OR SERVICE REQUESTED, AND BY THE REASON FOR SUCH DETERMINATIONS; THE NUMBER OF LDSS

STAFF, BY JOB TITLE, WHOSE DUTIES INCLUDE PROVIDING BENEFITS AND SERVICES OR ACCESS TO BENEFITS AND SERVICES PURSUANT TO THIS SECTION, THE NUMBER OF RECIPIENTS, THE NUMBER OF CASES AND THE NUMBER OF REQUESTS FOR ASSISTANCE, DISAGGREGATED BY LDSS; THE AVERAGE LENGTH OF TIME FROM THE INITIAL REQUEST FOR BENEFITS AND SERVICES TO SUBMISSION OF A COMPLETE APPLICATION FOR SUCH BENEFITS AND SERVICES, THE AVERAGE LENGTH OF TIME FROM SUBMISSION OF SUCH COMPLETE APPLICATION TO GRANT OR DENIAL OF THE BENEFITS AND SERVICES REQUESTED, AND THE AVERAGE LENGTH OF TIME FROM THE GRANT OF SUCH BENEFITS AND SERVICES TO THE PROVISION OF SUCH BENEFITS AND SERVICES, DISAGGREGATED BY LDSS AND BY THE TYPE OF BENEFIT OR SERVICE REQUESTED; THE AVERAGE LENGTH OF TIME FROM THE INITIAL REQUEST FOR AN EXCEPTION TO POLICY TO APPROVE ENHANCED RENTAL ASSISTANCE TO THE APPROVAL OR DISAPPROVAL OF SUCH EXCEPTION AND THE AVERAGE LENGTH OF TIME FROM THE APPROVAL OF SUCH EXCEPTION TO THE ISSUANCE OF SUCH ENHANCED RENTAL ASSISTANCE, DISAGGREGATED BY LDSS; THE NUMBER OF REQUESTS FOR EMERGENCY HOUSING ASSISTANCE, THE NUMBER OF PERSONS REFERRED TO EMERGENCY HOUSING ASSISTANCE, THE AVERAGE LENGTH OF STAY IN EMERGENCY ASSISTANCE, AND THE NUMBER OF PERSONS REFERRED TO PERMANENT HOUSING; THE NUMBER OF PERSONS REQUESTING SUPPORTIVE HOUSING PLACEMENTS, THE NUMBER OF PERSONS REFERRED TO SUCH SUPPORTIVE HOUSING AND THE AVERAGE LENGTH OF TIME FROM REQUEST TO PLACEMENT; THE NUMBER OF CASES CLOSED, DISAGGREGATED BY LDSS AND BY THE REASONS FOR SUCH CLOSURE, THE NUMBER OF SUCH CLOSED CASES THAT WERE RE-OPENED AND THE AVERAGE LENGTH OF TIME REQUIRED TO RE-OPEN SUCH CLOSED CASES; THE NUMBER OF ADMINISTRATIVE FAIR HEARINGS REQUESTED, THE NUMBER OF FAIR HEARING DECISIONS IN FAVOR OF APPLICANTS AND RECIPIENTS AND THE AVERAGE LENGTH OF TIME FOR COMPLIANCE WITH SUCH A FAIR HEARING DECISION; AND THE NUMBER OF PROCEEDINGS INITIATED PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES CHALLENGING FAIR HEARING DECISIONS, AND THE NUMBER OF ARTICLE SEVENTY-EIGHT DECISIONS RENDERED IN FAVOR OF APPLICANTS OR RECIPIENTS. FOR THE PURPOSES OF THIS SUBDIVISION, "FIELD OFFICE" SHALL MEAN ANY OFFICE OF THE DEPARTMENT AT WHICH PERSONS WITH HIV INFECTION MAY ACCESS BENEFITS AND SERVICES.

(K) THERE SHALL BE AN ADVISORY BOARD TO ADVISE THE COMMISSIONER ON THE PROVISION OF BENEFITS AND SERVICES AND ACCESS TO BENEFITS AND SERVICES TO PERSONS WITH HIV INFECTION AS REQUIRED BY THIS SECTION. THIS ADVISORY BOARD SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED FOR TWO YEAR TERMS AS FOLLOWS: TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY, TWO MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE SENATE AND THE REMAINING FIVE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR. AT LEAST ONE OF THE APPOINTMENTS MADE BY THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE, AND AT LEAST THREE OF THE APPOINTMENTS MADE BY THE GOVERNOR SHALL BE ELIGIBLE FOR BENEFITS AND SERVICES PURSUANT TO THIS SECTION. THE ADVISORY BOARD SHALL MEET AT LEAST QUARTERLY AND MEMBERS SHALL SERVE WITHOUT COMPENSATION. SUCH ADVISORY BOARD MAY FORMULATE AND RECOMMEND TO THE COMMISSIONER A POLICY OR PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY OF SERVICES TO PERSONS WITH HIV INFECTION WHICH MAY INCLUDE QUALITY ASSURANCE MEASUREMENTS. SUCH ADVISORY BOARD SHALL SUBMIT SUCH RECOMMENDED POLICY OR PROCEDURE TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE UPON SUBMISSION TO THE COMMISSIONER.

S 2. Subdivision 14 of section 131-a of the social services law, as added by section 1 of part H of chapter 58 of the laws of 2014, is amended to read as follows:

14. In determining the need for aid provided pursuant to public assistance programs, each person living with [clinical/symptomatic] HIV [illness or AIDS in social services districts with a population over five million who is receiving services through such district's administrative unit providing HIV/AIDS services, public assistance and earned and/or unearned income,] INFECTION shall not be required to pay more than thirty percent of his or her monthly earned and/or unearned income toward the cost of rent that such person has a direct obligation to pay; this provision shall not apply to room and board arrangements.

S 3. The commissioner of the office of temporary and disability assistance shall amend 18 N.Y.C.R.R. S 352.3(k) as follows: (a) to require the office of temporary and disability assistance or local departments of social services to provide emergency shelter allowances, upon request, to households composed of an applicant or recipient of public assistance who has been medically diagnosed with HIV infection and any family members residing with such person; (b) to set the amount of the maximum emergency shelter allowance available at the amount, of the fair market rent (FMR) set by the United States department of housing and urban development for the size the eligible household and FMR area where the household is located, with the allowance in no event to be greater than the actual monthly rent due; and (c) pursuant to subdivision 14 of section 131-a of the social services law, as amended in this act, to calculate the amount of the emergency shelter allowance available to a person with HIV infection who has earned and/or unearned income up to 200 percent of the federal poverty guidelines as a function of actual total monthly rent due less 30 percent of the monthly earned and/or unearned income of the person with HIV infection.

S 4. Notwithstanding section 153 of the social services law or any other inconsistent provision of law (a) for local departments of social services with a population over five million, New York state shall reimburse 50 percent of safety net assistance expenditures for emergency shelter, transportation, or nutrition payments which the district determines are necessary to establish or maintain independent living arrangements among persons with HIV infection and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs; and (b) for local departments of social services with a population under five million, New York state shall pay or reimburse 100 percent of safety net assistance expenditures for emergency shelter, transportation, or nutrition payments necessary to establish or maintain independent living arrangements among persons with HIV infection and who are homeless or facing homelessness and for whom no viable and less costly alternative to housing is available; provided, however, that funds appropriated herein may only be used for such purposes if the cost of such allowances are not eligible for reimbursement under medical assistance or other programs.

S 5. This act shall take effect immediately.