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I N   A S S E M B L Y

June 8, 2016

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hevesi) --  
read once and referred to the Committee on Social Services

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The social services law is amended by adding a new section  
2     138 to read as follows:  
3     S 138. ACCESS TO HIV SERVICES. 1. THE OFFICE OF TEMPORARY AND DISABIL-  
4     ITY ASSISTANCE SHALL DIRECT EACH LOCAL DEPARTMENT OF SOCIAL SERVICES  
5     (LDSS) TO ESTABLISH AND MAINTAIN ACCESS TO BENEFITS AND SERVICES AS  
6     DEFINED IN SUBDIVISION THREE OF THIS SECTION TO EVERY PERSON WITH HIV  
7     INFECTION WHO REQUESTS ASSISTANCE, AND SHALL ENSURE THE PROVISION OF  
8     BENEFITS AND SERVICES TO EACH ELIGIBLE PERSON INFECTED WITH HIV.  
9     2. THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSIST-  
10    ANCE SHALL DIRECT EACH LDSS TO PROVIDE TO PERSONS WITH HIV INFECTION WHO  
11    SATISFY THE ELIGIBILITY REQUIREMENTS FOR MEDICAID AS SET FORTH IN U.S.C.  
12    1396 ET SEQ.:  
13    (A) INTENSIVE CASE MANAGEMENT WITH AN AVERAGE RATIO WHICH SHALL NOT  
14    EXCEED ONE CASEWORKER OR SUPERVISOR TO TWENTY-FIVE FAMILY CASES, AND  
15    WITH AN OVERALL AVERAGE RATIO FOR ALL CASES WHICH SHALL NOT EXCEED ONE  
16    CASEWORKER OR SUPERVISOR TO THIRTY-FOUR CASES; AND  
17    (B) TRANSPORTATION AND NUTRITION ALLOWANCES IN AN AMOUNT NOT LESS THAN  
18    ONE HUNDRED NINETY-THREE DOLLARS PER MONTH.  
19    3. (A) WHENEVER USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL  
20    HAVE THE FOLLOWING MEANINGS:  
21    (1) "ACCESS TO BENEFITS AND SERVICES" SHALL MEAN THE PROVISION OF  
22    ASSISTANCE BY STAFF OF THE LDSS TO A PERSON WITH HIV INFECTION AT A  
23    SINGLE LOCATION IN ORDER TO APPLY FOR PUBLICLY SUBSIDIZED BENEFITS AND  
24    SERVICES, TO ESTABLISH ANY AND ALL ELEMENTS OF ELIGIBILITY INCLUDING,  
25    BUT NOT LIMITED TO, ASSISTANCE PROVIDED AT A FIELD OFFICE OF THE LDSS,  
26    AT THE HOME OF THE APPLICANT OR RECIPIENT, AT A HOSPITAL WHERE SUCH  
27    APPLICANT OR RECIPIENT IS A PATIENT OR AT ANOTHER LOCATION IN ASSEMBLING

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

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1 SUCH DOCUMENTATION AS MAY BE NECESSARY TO ESTABLISH ANY AND ALL ELEMENTS  
2 OF ELIGIBILITY AND TO MAINTAIN SUCH ELIGIBILITY;

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

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

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

17 (5) "COMMISSIONER" SHALL MEAN THE COMMISSIONER OF THE OFFICE OF TEMPO-  
18 RARY AND DISABILITY ASSISTANCE.

19 (B) THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PROVIDE,  
20 OR THE COMMISSIONER SHALL DIRECT LDSS TO PROVIDE ACCESS TO BENEFITS AND  
21 SERVICES TO EVERY ELIGIBLE PERSON WITH HIV INFECTION WHO REQUESTS  
22 ASSISTANCE, AND SHALL ENSURE THE PROVISION OF BENEFITS AND SERVICES TO  
23 ELIGIBLE PERSONS WITH HIV INFECTION. ANY ELIGIBLE PERSON SHALL RECEIVE  
24 ONLY THOSE BENEFITS AND SERVICES FOR WHICH SUCH PERSON QUALIFIES IN  
25 ACCORDANCE WITH THE APPLICABLE ELIGIBILITY STANDARDS ESTABLISHED PURSU-  
26 ANT TO LOCAL, STATE OR FEDERAL STATUTE, LAW, RULE OR REGULATION. SUCH  
27 BENEFITS AND SERVICES SHALL INCLUDE, BUT NOT BE LIMITED TO: MEDICALLY  
28 APPROPRIATE TRANSITIONAL AND PERMANENT HOUSING; MEDICAID, AS SET FORTH  
29 IN 42 U.S.C. 1396 ET SEQ. AND OTHER HEALTH-RELATED SERVICES; LONG TERM  
30 CARE SERVICES PROVIDED BY A CERTIFIED HOME HEALTH AGENCY, LONG TERM HOME  
31 HEALTH CARE PROGRAM OR AIDS HOME CARE PROGRAM AUTHORIZED PURSUANT TO  
32 ARTICLE THIRTY-SIX OF THE PUBLIC HEALTH LAW; PERSONAL CARE SERVICES  
33 PURSUANT TO THIS ARTICLE; HOMEMAKER SERVICES AS DEFINED IN SUBDIVISION  
34 SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THE PUBLIC HEALTH LAW; SUPPLE-  
35 MENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS IN ACCORDANCE WITH SECTION  
36 NINETY-FIVE OF THIS CHAPTER; TRANSPORTATION AND NUTRITION ALLOWANCES AS  
37 REQUIRED BY SUBDIVISION TWO OF THIS SECTION; PREVENTATIVE SERVICES,  
38 INCLUDING RENT SUBSIDIES, IN ACCORDANCE WITH SECTION FOUR HUNDRED NINE-A  
39 OF THIS CHAPTER; FINANCIAL BENEFITS; AND INTENSIVE CASE MANAGEMENT AS  
40 REQUIRED BY SUBDIVISION TWO OF THIS SECTION. THE COMMISSIONER SHALL HAVE  
41 THE AUTHORITY TO DIRECT EACH LDSS TO PROVIDE ACCESS TO ADDITIONAL BENE-  
42 FITS AND SERVICES AND ENSURE THE PROVISION OF SUCH ADDITIONAL BENEFITS  
43 AND SERVICES WHENEVER DEEMED APPROPRIATE. THE REQUIREMENTS WITH RESPECT  
44 TO SUCH ACCESS TO AND ELIGIBILITY FOR BENEFITS AND SERVICES SHALL NOT BE  
45 MORE RESTRICTIVE THAN THOSE REQUIREMENTS MANDATED BY STATE OR FEDERAL  
46 STATUTE, LAW, RULE OR REGULATION. WITHIN THIRTY DAYS OF THE EFFECTIVE  
47 DATE OF THIS SECTION, THE COMMISSIONER SHALL ESTABLISH CRITERIA PURSUANT  
48 TO WHICH AN APPLICANT SHALL BE ENTITLED TO A HOME OR HOSPITAL VISIT FOR  
49 THE PURPOSE OF ESTABLISHING ELIGIBILITY AND APPLYING FOR BENEFITS AND  
50 SERVICES.

51 (C)(1) UPON WRITTEN OR ORAL APPLICATION OR SUBMISSION OF DOCUMENTS  
52 REQUIRED TO ESTABLISH ELIGIBILITY FOR BENEFITS AND SERVICES BY A PERSON  
53 WITH HIV INFECTION, SUCH PERSON SHALL IMMEDIATELY BE PROVIDED WITH A  
54 RECEIPT WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DATE, A  
55 DESCRIPTION OF THE INFORMATION RECEIVED, AND A STATEMENT AS TO WHETHER  
56 ANY APPLICATION FOR SUCH BENEFITS AND SERVICES IS COMPLETE OR INCOM-

1 PLETE, AND IF INCOMPLETE, SUCH RECEIPT SHALL IDENTIFY ANY INFORMATION OR  
2 DOCUMENTS NEEDED IN ORDER FOR THE APPLICATION TO BE DEEMED COMPLETE.

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

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

17 (E) RECERTIFICATION OF ELIGIBILITY, AS REQUIRED BY ANY STATE OR FEDER-  
18 AL LAW, STATUTE, RULE OR REGULATION SHALL BE CONDUCTED NO MORE FREQUENT-  
19 LY THAN MANDATED BY SUCH STATUTE, LAW, RULE OR REGULATION.

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

30 (G) NOT LATER THAN SIXTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION,  
31 THE COMMISSIONER SHALL DIRECT EACH LDSS TO PREPARE A DRAFT POLICY AND  
32 PROCEDURES MANUAL FOR LDSS STAFF. SUCH POLICY AND PROCEDURES MANUAL  
33 SHALL INCLUDE, BUT NOT BE LIMITED TO, STRICT GUIDELINES ON MAINTAINING  
34 THE CONFIDENTIALITY OF THE IDENTITY OF AND INFORMATION RELATING TO ALL  
35 APPLICANTS AND RECIPIENTS, INSTRUCTIONAL MATERIALS RELATING TO THE  
36 MEDICAL AND PSYCHOLOGICAL NEEDS OF PERSONS WITH HIV INFECTION, APPLICA-  
37 TION PROCEDURES, ELIGIBILITY STANDARDS, MANDATED TIME PERIODS FOR THE  
38 PROVISION OF EACH BENEFIT AND SERVICE AVAILABLE TO APPLICANTS AND RECIP-  
39 IENTS AND ADVOCACY RESOURCES AVAILABLE TO PERSONS WITH HIV INFECTION.  
40 SUCH LISTS OF ADVOCACY RESOURCES SHALL BE UPDATED SEMI-ANNUALLY. WITHIN  
41 THIRTY DAYS FOLLOWING THE PREPARATION OF SUCH DRAFT POLICY AND PROCE-  
42 DURES MANUAL AND PRIOR TO THE PREPARATION OF A FINAL POLICY AND PROCE-  
43 DURES MANUAL, THE LDSS SHALL DISTRIBUTE SUCH DRAFT POLICY AND PROCEDURES  
44 MANUAL TO ALL SOCIAL SERVICES AGENCIES AND ORGANIZATIONS THAT CONTRACT  
45 WITH THE LDSS TO PROVIDE HIV-RELATED SERVICES AND TO ALL OTHERS WHOM THE  
46 LDSS DEEMS APPROPRIATE, AND HOLD NO FEWER THAN ONE NOTICED PUBLIC HEAR-  
47 ING AT A SITE ACCESSIBLE TO THE DISABLED, AT WHICH ADVOCATES, SERVICES  
48 PROVIDERS, PERSONS WITH HIV INFECTION, AND ANY OTHER MEMBER OF THE  
49 PUBLIC SHALL BE GIVEN AN OPPORTUNITY TO COMMENT ON SUCH DRAFT POLICY AND  
50 PROCEDURES MANUAL. EACH LDSS SHALL PREPARE A FINAL POLICY AND PROCEDURES  
51 MANUAL WITHIN THIRTY DAYS AFTER THE CONCLUSION OF SUCH HEARING AND SHALL  
52 THEREAFTER REVIEW AND WHERE APPROPRIATE, REVISE SUCH POLICY AND PROCE-  
53 DURES MANUAL ON AN ANNUAL BASIS. EACH LDSS SHALL PROVIDE FOR SEMI-ANNUAL  
54 TRAINING, USING SUCH POLICY AND PROCEDURES MANUAL, FOR ALL DIVISION  
55 STAFF.

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

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

34 (J) BEGINNING ON SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN, AND ON THE  
35 FIRST DAY OF EACH CALENDAR QUARTER THEREAFTER, THE COMMISSIONER SHALL  
36 SUBMIT A WRITTEN REPORT TO THE GOVERNOR, SPEAKER OF THE ASSEMBLY, MINOR-  
37 ITY LEADER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE SENATE, AND  
38 THE MINORITY LEADER OF THE SENATE, PROVIDING THE FOLLOWING INFORMATION  
39 DISAGGREGATED ON BOTH A QUARTERLY AND ANNUALIZED BASIS: THE NUMBER OF  
40 PERSONS WITH HIV INFECTION WHO REQUESTED THE BENEFITS AND SERVICES SET  
41 FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION AND ANY OTHER BENEFITS  
42 PROVIDED BY LDSS, DISAGGREGATED BY LDSS AND BY THE TYPE OF BENEFIT OR  
43 SERVICE REQUESTED, AND THE AVERAGE LENGTH OF TIME REQUIRED TO PROCESS  
44 SUCH REQUESTS, DISAGGREGATED BY LDSS, AND THE TYPE OF BENEFIT OR SERVICE  
45 REQUESTED; THE NUMBER OF PERSONS WITH HIV INFECTION WHO REQUESTED BENE-  
46 FITS AND SERVICES AND WERE DETERMINED TO BE INELIGIBLE FOR SUCH BENEFITS  
47 AND SERVICES, DISAGGREGATED BY LDSS, BY THE TYPE OF BENEFIT OR SERVICE  
48 REQUESTED, AND BY THE REASON FOR SUCH DETERMINATIONS; THE NUMBER OF LDSS  
49 STAFF, BY JOB TITLE, WHOSE DUTIES INCLUDE PROVIDING BENEFITS AND  
50 SERVICES OR ACCESS TO BENEFITS AND SERVICES PURSUANT TO THIS SECTION,  
51 THE NUMBER OF RECIPIENTS, THE NUMBER OF CASES AND THE NUMBER OF REQUESTS  
52 FOR ASSISTANCE, DISAGGREGATED BY LDSS; THE AVERAGE LENGTH OF TIME FROM  
53 THE INITIAL REQUEST FOR BENEFITS AND SERVICES TO SUBMISSION OF A  
54 COMPLETE APPLICATION FOR SUCH BENEFITS AND SERVICES, THE AVERAGE LENGTH  
55 OF TIME FROM SUBMISSION OF SUCH COMPLETE APPLICATION TO GRANT OR DENIAL  
56 OF THE BENEFITS AND SERVICES REQUESTED, AND THE AVERAGE LENGTH OF TIME

1 FROM THE GRANT OF SUCH BENEFITS AND SERVICES TO THE PROVISION OF SUCH  
2 BENEFITS AND SERVICES, DISAGGREGATED BY LDSS AND BY THE TYPE OF BENEFIT  
3 OR SERVICE REQUESTED; THE AVERAGE LENGTH OF TIME FROM THE INITIAL  
4 REQUEST FOR AN EXCEPTION TO POLICY TO APPROVE ENHANCED RENTAL ASSISTANCE  
5 TO THE APPROVAL OR DISAPPROVAL OF SUCH EXCEPTION AND THE AVERAGE LENGTH  
6 OF TIME FROM THE APPROVAL OF SUCH EXCEPTION TO THE ISSUANCE OF SUCH  
7 ENHANCED RENTAL ASSISTANCE, DISAGGREGATED BY LDSS; THE NUMBER OF  
8 REQUESTS FOR EMERGENCY HOUSING ASSISTANCE, THE NUMBER OF PERSONS  
9 REFERRED TO EMERGENCY HOUSING ASSISTANCE, THE AVERAGE LENGTH OF STAY IN  
10 EMERGENCY ASSISTANCE, AND THE NUMBER OF PERSONS REFERRED TO PERMANENT  
11 HOUSING; THE NUMBER OF PERSONS REQUESTING SUPPORTIVE HOUSING PLACEMENTS,  
12 THE NUMBER OF PERSONS REFERRED TO SUCH SUPPORTIVE HOUSING AND THE AVER-  
13 AGE LENGTH OF TIME FROM REQUEST TO PLACEMENT; THE NUMBER OF CASES  
14 CLOSED, DISAGGREGATED BY LDSS AND BY THE REASONS FOR SUCH CLOSURE, THE  
15 NUMBER OF SUCH CLOSED CASES THAT WERE RE-OPENED AND THE AVERAGE LENGTH  
16 OF TIME REQUIRED TO RE-OPEN SUCH CLOSED CASES; THE NUMBER OF ADMINISTRA-  
17 TIVE FAIR HEARINGS REQUESTED, THE NUMBER OF FAIR HEARING DECISIONS IN  
18 FAVOR OF APPLICANTS AND RECIPIENTS AND THE AVERAGE LENGTH OF TIME FOR  
19 COMPLIANCE WITH SUCH A FAIR HEARING DECISION; AND THE NUMBER OF  
20 PROCEEDINGS INITIATED PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL  
21 PRACTICE LAW AND RULES CHALLENGING FAIR HEARING DECISIONS, AND THE  
22 NUMBER OF ARTICLE SEVENTY-EIGHT DECISIONS RENDERED IN FAVOR OF APPLI-  
23 CANTS OR RECIPIENTS. FOR THE PURPOSES OF THIS SUBDIVISION, "FIELD  
24 OFFICE" SHALL MEAN ANY OFFICE OF THE DEPARTMENT AT WHICH PERSONS WITH  
25 HIV INFECTION MAY ACCESS BENEFITS AND SERVICES.

26 (K) THERE SHALL BE AN ADVISORY BOARD TO ADVISE THE COMMISSIONER ON THE  
27 PROVISION OF BENEFITS AND SERVICES AND ACCESS TO BENEFITS AND SERVICES  
28 TO PERSONS WITH HIV INFECTION AS REQUIRED BY THIS SECTION. THIS ADVISORY  
29 BOARD SHALL CONSIST OF ELEVEN MEMBERS TO BE APPOINTED FOR TWO YEAR TERMS  
30 AS FOLLOWS: TWO MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEM-  
31 BLY, TWO MEMBER SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE  
32 SENATE, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
33 ASSEMBLY, ONE MEMBER SHALL BE APPOINTED BY THE MINORITY LEADER OF THE  
34 SENATE AND THE REMAINING FIVE MEMBERS SHALL BE APPOINTED BY THE GOVER-  
35 NOR. AT LEAST ONE OF THE APPOINTMENTS MADE BY THE SPEAKER OF THE ASSEM-  
36 BLY AND THE TEMPORARY PRESIDENT OF THE SENATE, AND AT LEAST THREE OF THE  
37 APPOINTMENTS MADE BY THE GOVERNOR SHALL BE ELIGIBLE FOR BENEFITS AND  
38 SERVICES PURSUANT TO THIS SECTION. THE ADVISORY BOARD SHALL MEET AT  
39 LEAST QUARTERLY AND MEMBERS SHALL SERVE WITHOUT COMPENSATION. SUCH ADVI-  
40 SORY BOARD MAY FORMULATE AND RECOMMEND TO THE COMMISSIONER A POLICY OR  
41 PROCEDURE FOR OVERSEEING AND MONITORING THE DELIVERY OF SERVICES TO  
42 PERSONS WITH HIV INFECTION WHICH MAY INCLUDE QUALITY ASSURANCE MEASURE-  
43 MENTS. SUCH ADVISORY BOARD SHALL SUBMIT SUCH RECOMMENDED POLICY OR  
44 PROCEDURE TO THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF  
45 THE SENATE UPON SUBMISSION TO THE COMMISSIONER.

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

49 14. In determining the need for aid provided pursuant to public  
50 assistance programs, each person living with [clinical/symptomatic] HIV  
51 [illness or AIDS in social services districts with a population over  
52 five million who is receiving services through such district's adminis-  
53 trative unit providing HIV/AIDS services, public assistance and earned  
54 and/or unearned income,] INFECTION shall not be required to pay more  
55 than thirty percent of his or her monthly earned and/or unearned income

1 toward the cost of rent that such person has a direct obligation to pay;  
2 this provision shall not apply to room and board arrangements.

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

21 S 4. Notwithstanding section 153 of the social services law or any  
22 other inconsistent provision of law (a) for local departments of social  
23 services with a population over five million, New York state shall reim-  
24 burse 50 percent of safety net assistance expenditures for emergency  
25 shelter, transportation, or nutrition payments which the district deter-  
26 mines are necessary to establish or maintain independent living arrange-  
27 ments among persons with HIV infection and who are homeless or facing  
28 homelessness and for whom no viable and less costly alternative to hous-  
29 ing is available; provided, however, that funds appropriated herein may  
30 only be used for such purposes if the cost of such allowances are not  
31 eligible for reimbursement under medical assistance or other programs;  
32 and (b) for local departments of social services with a population under  
33 five million, New York state shall pay or reimburse 100 percent of safe-  
34 ty net assistance expenditures for emergency shelter, transportation, or  
35 nutrition payments necessary to establish or maintain independent living  
36 arrangements among persons with HIV infection and who are homeless or  
37 facing homelessness and for whom no viable and less costly alternative  
38 to housing is available; provided, however, that funds appropriated  
39 herein may only be used for such purposes if the cost of such allowances  
40 are not eligible for reimbursement under medical assistance or other  
41 programs.

42 S 5. This act shall take effect immediately.