

1173

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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Introduced by M. of A. TITUS -- read once and referred to the Committee  
on Social Services

AN ACT to amend the social services law, in relation to submission of  
evidence at fair hearings

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

1     Section 1. Section 22 of the social services law is amended by adding  
2     a new subdivision 15 to read as follows:  
3     15. THE DEPARTMENT SHALL PERMIT SOCIAL SERVICES DISTRICTS TO SUBMIT  
4     THEIR EVIDENTIARY PACKAGES FOR ANY FAIR HEARING TO THE DEPARTMENT SOLELY  
5     IN AN ELECTRONIC FORMAT AND SHALL PROVIDE THE MEANS TO FACILITATE THE  
6     SOCIAL SERVICES DISTRICTS' USE OF ANY SUCH EVIDENTIARY PACKAGES FOR  
7     THEIR EVIDENTIARY PRESENTATIONS AT THE FAIR HEARING. NOTHING CONTAINED  
8     IN THIS SECTION SHALL REQUIRE A SOCIAL SERVICES DISTRICT TO SUBMIT ITS  
9     EVIDENTIARY PACKAGE IN AN ELECTRONIC FORMAT, NOR SHALL A SOCIAL SERVICES  
10    DISTRICT, OR ANY OTHER PARTY TO A FAIR HEARING, BE PRECLUDED FROM OFFER-  
11    ING INTO EVIDENCE DOCUMENTATION IN PAPER FORMAT, REGARDLESS OF THE MEDI-  
12    UM USED TO CREATE, TRANSMIT, AND DISPLAY THE EVIDENTIARY PACKAGE AT THE  
13    FAIR HEARING. IN CASES WHERE A PERSON ENTITLED TO AN APPEAL PURSUANT TO  
14    THIS SECTION REQUESTS A PAPER COPY OF THE EVIDENTIARY PACKAGE EITHER  
15    BEFORE THE HEARING OR AT THE HEARING, THE SOCIAL SERVICES DISTRICT SHALL  
16    PROVIDE SUCH PAPER COPY EVEN IF SUCH DISTRICT WILL UTILIZE AN ELECTRONIC  
17    FORMAT AT THE FAIR HEARING. REQUESTS MADE PRIOR TO THE FAIR HEARING  
18    SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT.  
19    WHEN NOTIFYING A PERSON ENTITLED TO AN APPEAL TO THE DEPARTMENT OF THE  
20    SCHEDULING OF A FAIR HEARING, THE DEPARTMENT SHALL STATE THAT ANY SUCH  
21    PERSON MAY REQUEST ORALLY OR IN WRITING A PAPER COPY OF THE EVIDENTIARY  
22    PACKAGE TO BE PRESENTED BY THE SOCIAL SERVICES DISTRICT AT THE FAIR  
23    HEARING.  
24    S 2. This act shall take effect on the sixtieth day after it shall  
25    have become a law.

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

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