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

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:

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

ARTICLE 4-B

OFFICE OF THE INDEPENDENT PUBLIC ADVOCATE

SECTION 56. ESTABLISHMENT AND ORGANIZATION.

57. DUTIES AND RESPONSIBILITIES.

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

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

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

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

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

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

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

B. MEMBERS OF THE COMMITTEE SHALL POSSESS EXTENSIVE KNOWLEDGE AND EXPERIENCE IN HEALTH POLICY AND FINANCE. THE MEMBERS OF THE SPECIAL 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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3. THE SPECIAL COMMITTEE, PURSUANT TO A PUBLICLY-INCLUSIVE SCREENING AND INTERVIEW PROCESS, SHALL APPOINT THE INDEPENDENT PUBLIC ADVOCATE. THE INDEPENDENT PUBLIC ADVOCATE SHALL NOT BE PAID A SALARY OR STIPEND. THE INDEPENDENT PUBLIC ADVOCATE SHALL BE APPOINTED WITHOUT REGARD TO POLITICAL AFFILIATION AND SOLELY ON THE BASIS OF FITNESS TO PERFORM THE DUTIES OF THE OFFICE, AND SHALL SERVE A FOUR YEAR TERM. THE INDEPENDENT PUBLIC ADVOCATE MAY BE REMOVED ONLY FOR CAUSE. IN THE EVENT OF A VACANCY, THE INDIVIDUAL APPOINTED TO FILL THE VACANCY SHALL BE APPOINTED PURSUANT TO THIS SECTION, AND SERVE ONLY FOR THE UNEXPIRED PORTION OF THE TERM. THE INDEPENDENT PUBLIC ADVOCATE MAY EMPLOY AND AT THEIR PLEASURE REMOVE SUCH PERSONNEL AS THEY DEEM NECESSARY FOR THE PERFORMANCE OF THE OFFICE, AND MAY FIX THEIR COMPENSATION WITH AMOUNTS AVAILABLE THEREFOR.

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

S 57. DUTIES AND RESPONSIBILITIES. 1. THE INDEPENDENT PUBLIC ADVOCATE SHALL MONITOR THE DELIVERY SYSTEM REFORM INCENTIVE PAYMENT (DSRIP) PROGRAM AND PROVIDE THE LEGISLATURE AND THE PUBLIC WITH INFORMATION REGARDING THE IMPLEMENTATION OF THE DSRIP PROGRAM INCLUDING THE DISTRIBUTION OF FUNDS SUCH AS DSRIP PLANNING GRANTS, DSRIP PROVIDER INCENTIVE PAYMENTS, AND DSRIP ADMINISTRATIVE COSTS. THE INDEPENDENT PUBLIC ADVOCATE SHALL ALSO ISSUE REGULAR REPORTS TO ENHANCE OFFICIAL AND PUBLIC UNDERSTANDING OF THE DSRIP PROGRAM INCLUDING MATTERS RELATED TO EXPENDITURES OR FINANCIAL MANAGEMENT PRACTICES.

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

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

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

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