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

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:

Section 1. Section 1 of 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, is amended to read as follows:

Section 1. ANY SOCIAL SERVICES DISTRICT WITH A POPULATION OF MORE THAN FIVE MILLION SHALL SUBMIT TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE ON A QUARTERLY BASIS NO LATER THAN FIFTEEN DAYS AFTER THE END OF ANY QUARTER BEGINNING WITH THE QUARTER COMMENCING APRIL 1, 2015 A WRITTEN PLAN OUTLINING THE EFFORTS OF SUCH DISTRICT TO MINIMIZE ANY EXISTING BACKLOG OF FAIR HEARINGS TO BE SCHEDULED SUCH THAT HEARINGS MAY BE CONDUCTED WITHIN A REASONABLE TIME. THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL PROVIDE ASSISTANCE TO SUCH DISTRICT TO SUPPORT THE IMPLEMENTATION OF SUCH PLANS. IN THE EVENT THAT SUCH PLANS ARE NOT TIMELY SUBMITTED, OR ANY EXISTING BACKLOG GROWS OVER FOUR OR MORE CONSECUTIVE QUARTERS BEGINNING WITH THE QUARTER COMMENCING APRIL 1, 2015, THE FOLLOWING PROVISIONS SHALL APPLY: Notwithstanding any inconsistent provision of law, beginning April 1, 2014, for any local social services district with greater than forty percent of the statewide total of fair hearings issues heard in a given state fiscal year quarter, the office of temporary and disability assistance shall calculate the number of issues reversed plus the number of local district issues withdrawn after scheduling of the hearing, BUT NOT INCLUDING ISSUES IN WHICH THE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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LOCAL DISTRICT HAS TAKEN ACTIONS TO SETTLE THE ISSUES AFTER SCHEDULING OF THE HEARING, as a percentage of total issues heard for such district. ISSUES SETTLED BY THE LOCAL DISTRICT AFTER SCHEDULING BUT BEFORE BEING HEARD AT THE HEARING WILL BE CODED AS SETTLED RATHER THAN WITHDRAWN. ISSUES REVERSED BECAUSE THE HEARING OFFICER DETERMINED THAT A STATE NOTICE WAS DEFECTIVE SHALL NOT BE COUNTED AGAINST A LOCAL DISTRICT AND, THEREFORE, SHALL NOT BE INCLUDED IN THE CALCULATION. If the calculated percentage is greater than fifty percent in the given state fiscal year quarter, state reimbursement otherwise payable to such local social services district shall be reduced by [seventy percent] A PERCENTAGE IN PROPORTION TO THE PERCENTAGE OVER FIFTY PERCENT of the non-federal share of total administrative costs of fair hearings operations attributable to such district for the given quarter, as determined by the office of temporary and disability assistance and approved by the director of the budget. Such reduction in reimbursement shall credit the office of temporary and disability assistance personal service and nonpersonal service expenditures for the administrative hearings program.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 1 of 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, made by section one of this act shall not affect the expiration of such part and shall be deemed to expire therewith.