

5534

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

AN ACT to amend the social services law, in relation to establishing a single point of 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:

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

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

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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 SEVERELY COMPROMISED IMMUNE SYSTEMS, 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) "PERSONS 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 COMMISSIONER SHALL DIRECT EACH LDSS 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; FOOD STAMPS 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 TO AN LDSS 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

1 TRAINING, USING SUCH POLICY AND PROCEDURES MANUAL, FOR ALL DIVISION
2 STAFF.

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

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

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

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

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

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

52 14. In determining the need for aid provided pursuant to public
53 assistance programs, each person living with [clinical/symptomatic] HIV
54 [illness or AIDS in social services districts with a population over
55 five million who is receiving services through such district's adminis-
56 trative unit providing HIV/AIDS services, public assistance and earned

1 and/or unearned income,] INFECTION shall not be required to pay more
2 than thirty percent of his or her monthly earned and/or unearned income
3 toward the cost of rent that such person has a direct obligation to pay;
4 this provision shall not apply to room and board arrangements.

5 S 3. The commissioner of the office of temporary and disability
6 assistance shall amend 18 N.Y.C.R.R. S 352.3(k) as follows: (a) to
7 require local departments of social services to provide emergency shel-
8 ter allowances, upon request, to households composed of an applicant or
9 recipient of public assistance who has been medically diagnosed with HIV
10 infection and any family members residing with such person; (b) to set
11 the amount of the maximum emergency shelter allowance available at the
12 amount, from time to time, of the fair market rent (FMR) set by the
13 United States department of housing and urban development for the size
14 the eligible household and FMR area where the household is located, with
15 the allowance in no event to be greater than the actual monthly rent
16 due; and (c) pursuant to subsection 14 of section 131-a of the social
17 services law, as amended in this act, to calculate the amount of the
18 emergency shelter allowance available to a person with HIV infection who
19 has earned and/or unearned income up to 200 percent of the federal
20 poverty guidelines as a function of actual total monthly rent due less
21 30 percent of the monthly earned and/or unearned income of the person
22 with HIV infection.

23 S 4. Notwithstanding section 153 of the social services law or any
24 other inconsistent provision of law (a) for local departments of social
25 services with a population over five million, New York state shall reim-
26 burse 50 percent of safety net assistance expenditures for emergency
27 shelter, transportation, or nutrition payments which the district deter-
28 mines are necessary to establish or maintain independent living arrange-
29 ments among persons with HIV infection and who are homeless or facing
30 homelessness and for whom no viable and less costly alternative to hous-
31 ing is available; provided, however, that funds appropriated herein may
32 only be used for such purposes if the cost of such allowances are not
33 eligible for reimbursement under medical assistance or other programs;
34 (b) for local departments of social services with a population under
35 five million, New York state shall reimburse 80 percent of safety net
36 assistance expenditures for emergency shelter, transportation, or nutri-
37 tion payments which the district determines are necessary to establish
38 or maintain independent living arrangements among persons with HIV
39 infection and who are homeless or facing homelessness and for whom no
40 viable and less costly alternative to housing is available; provided,
41 however, that funds appropriated herein may only be used for such
42 purposes if the cost of such allowances are not eligible for reimburse-
43 ment under medical assistance or other programs; and (c) local depart-
44 ments of social services safety net assistance expenditures for emergen-
45 cy shelter, transportation, or nutrition payments may be made in kind
46 through the use or transfer of property.

47 S 5. This act shall take effect immediately.