

# STATE OF NEW YORK

2130

2017-2018 Regular Sessions

## IN SENATE

January 12, 2017

Introduced by Sen. GALLIVAN -- 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 submission of evidence at fair hearings

The People of the State of New York, represented in Senate and Assembly, 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 § 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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