

# STATE OF NEW YORK

7241

## IN SENATE

January 13, 2020

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law and the public health law, in relation to adverse determination notices to Medicaid recipients

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 364-j of the social services law,  
2 as amended by chapter 433 of the laws of 1997, is amended to read as  
3 follows:

4 9. Managed care providers shall inform participants of such provider's  
5 grievance procedure and utilization review procedures [~~required pursuant~~  
6 ~~to sections forty-four hundred eight-e and~~] under article forty-nine  
7 [~~hundred~~] of the public health law. A managed care provider or local  
8 social services district, as appropriate, shall provide notice to  
9 participants of their respective rights to a fair hearing and aid  
10 continuing in accordance with applicable state and federal law. Managed  
11 care providers shall provide written notice of the name, address, phone  
12 number and website of the department of health designated independent  
13 consumer assistance program and the independent substance use disorder  
14 and mental health ombudsman established by section 33.27 of the mental  
15 hygiene law on all notices of adverse determinations, grievances and  
16 appeals.

17 § 2. Paragraph (b) of subdivision 2 and subdivision 7 of section  
18 4408-a of the public health law, as added by chapter 705 of the laws of  
19 1996, are amended to read as follows:

20 (b) The notice to an enrollee describing the grievance process shall  
21 explain: (i) the process for filing a grievance with the organization;  
22 (ii) the timeframes within which a grievance determination must be made;  
23 [~~and~~] (iii) the right of an enrollee to designate a representative to  
24 file a grievance on behalf of the enrollee; and (iv) notice of the name,  
25 address, phone number and website of the department designated consumer  
26 assistance program and the independent substance use disorder and mental  
27 health ombudsman established by section 33.27 of the mental hygiene law  
28 on all notices of adverse determinations, grievances and appeals.

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

LBD14155-02-9

1       7. The notice of a determination shall include: (i) the detailed  
2 reasons for the determination; (ii) in cases where the determination has  
3 a clinical basis, the clinical rationale for the determination; [~~and~~]  
4 (iii) the procedures for the filing of an appeal of the determination,  
5 including a form for the filing of such an appeal; and (iv) notice of  
6 the name, address, phone number and website of the department designated  
7 consumer assistance program and the independent substance use disorder  
8 and mental health ombudsman established by section 33.27 of the mental  
9 hygiene law on all notices of adverse determinations, grievances and  
10 appeals.

11       § 3. This act shall take effect on the one hundred eightieth day after  
12 it shall have become a law; provided, however, the amendments made to  
13 subdivision 9 of section 364-j of the social services law made by  
14 section one of this act shall not affect the repeal of such section, and  
15 shall be deemed repealed therewith.